

ferred to the Committee on the Post-Office and Post-Roads—to the Committee on the Post-Office and Post-Roads.

Also, petition of the practicing structural engineers of Ambbridge, Pa., for an appropriation to continue test of structural material—to the Committee on Appropriations.

By Mr. HOWELL of New Jersey: Petition of Pride of Amboy Legion, No. 1705, Order of the National Protective Legion, against the bill to amend and codify the statutes relating to the classification of second-class matter and rates of postage thereon (House Doc. No. 608)—to the Committee on the Post-Office and Post-Roads.

By Mr. HOUSTON: Paper to accompany bill for relief of Joseph H. Blackburn—to the Committee on Invalid Pensions.

By Mr. HULL: Petition of the Iowa State Retail Merchants' Association, favoring legislation for 1-cent postage; also a bill known as the Dixon bill, compelling civil-service employees of United States to pay for the necessities of life—to the Committee on the Post-Office and Post-Roads.

Also, petition of Des Moines Court, No. 55, Tribe of Ben Hur, against the bill to amend the statutes relating to second-class mail matter and rates of postage thereon, as embodied in the report of the Postal Commission January 28, 1907, and designated as House Document No. 608—to the Committee on the Post-Office and Post-Roads.

By Mr. MADDEN: Petition of citizens of Chicago, Ill., for a sufficient appropriation to test automatic signal devices—to the Committee on Interstate and Foreign Commerce.

By Mr. SHARTEL: Petition of citizens of Missouri, against the proceedings of the authorities of Colorado and Idaho against Pettibone, Moyer, and Heywood—to the Committee on the Judiciary.

By Mr. SOUTHARD: Petition of L. N. Cushman, for legislation to insure a better fractional currency—to the Committee on Banking and Currency.

Also, petition of Legion No. 440, Order of the National Protective Legion, in relation to second-class mail classification, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Lens and Brush Club, of Toledo, Ohio, for clause in the copyright bill to prevent discrediting of American photography—to the Committee on Patents.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of John H. Ward—to the Committee on War Claims.

## SENATE.

WEDNESDAY, February 27, 1907.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

On request of Mr. GALLINGER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with, and it was approved.

### INSANE IN ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, requesting that an appropriation of \$23,000 be made to enable the Department to provide for the Alaskan insane, etc.; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

### MEAT-INSPECTION EMPLOYEES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing the number of persons employed in meat inspection and the salary or per diem paid to each, etc.; which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

### TRADE CONDITIONS IN INDIA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting the report of Charles M. Pepper, special agent of the Department of Commerce and Labor, on trade conditions in India, etc.; which, with the accompanying paper, was referred to the Committee on Commerce, and ordered to be printed.

### RUBBER-PRODUCTION CAPACITY OF THE PHILIPPINES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 18th instant, certain information relative to the rubber-production capacity of the several islands of the Philippine Archipelago that belong to the United States, etc.; which, with the accompanying papers, was referred to the Committee on the Philippines, and ordered to be printed.

### RULES AND REGULATIONS OF THE TREASURY DEPARTMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 1st instant, copies of all rules and regulations governing the Treasury Department and its various branches; which, with the accompanying papers, was ordered to lie on the table.

### JAMESTOWN TRICENTENNIAL EXPOSITION.

The VICE-PRESIDENT laid before the Senate the following communication; which was read, and ordered to lie on the table:

NORFOLK, VA., February 25, 1907.

To the President and Senate of the United States, Washington:

The honor of the presence of the President and the Senate of the United States is requested at the formal opening of the Jamestown Tercentennial Exposition, at Norfolk, Va., on April 26, 1907. The acceptance of this invitation and the attendance of the President and the Senate upon the ceremony of the formal opening will be most gratifying to the president and the directors of the exposition and to all through whose agency the Tercentennial has been made worthy of the cause it represents.

H. ST. GEO. TUCKER, President.

### SPECIAL EMPLOYEES OF DEPARTMENT OF JUSTICE.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 8th instant, a list of special agents and other employees of the Department of Justice; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

### FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting the findings of fact filed by the court in the following causes:

In the cause of D. A. Barbour and Andrew P. Gladden v. The United States; and

In the cause of Belle F. Neil, administratrix of James Atkins Fennell, deceased, v. The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 5888. An act authorizing the President to appoint James Carroll a surgeon, with the rank of major, in the United States Army;

S. 7017. An act extending the time for making settlement, final proof, and payment on public lands in certain cases;

S. 8400. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904;

S. 8435. An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs;

S. 8446. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company; and

S. 8534. An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 6229. An act to authorize the sale of public lands for cemetery purposes; and

S. 7684. An act to provide and maintain for the port of Galveston, Tex., a customs boarding boat.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect.

The message also announced that the House insists upon its amendments to the bill (S. 7840) granting an increase of pension to Lewis A. Towne; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOLLIDAY, Mr. CHANEY, and Mr. WEISSE managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 15859. An act ceding certain lands to Colorado State Agricultural College;

H. R. 19751. An act to authorize the Natchez Electric Street Railway and Power Company to construct and operate an electric railway along the national cemetery roadway at Natchez, Miss.;

H. R. 25738. An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River;

H. R. 25739. An act to authorize the Cairo and Tennessee River Railroad Company to construct bridges across Cumberland River; and

H. R. 25769. An act to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 2011. An act granting a pension to Lucinda L. McCorkle;

S. 4506. An act to provide for the better registration of births in the District of Columbia, and for other purposes;

S. 5125. An act granting an increase of pension to Nancy A. E. Hoffman;

S. 5144. An act granting an increase of pension to Morgan H. Weeks;

S. 5171. An act granting an increase of pension to Jennie H. Marshall;

S. 5191. An act granting an increase of pension to Robert H. White;

S. 5261. An act granting an increase of pension to Stephen A. Barker;

S. 5361. An act granting an increase of pension to John H. Peters;

S. 5380. An act granting an increase of pension to Richard Jones;

S. 5383. An act granting an increase of pension to Greenberry B. Patterson;

S. 5400. An act granting an increase of pension to John A. Chase;

S. 5420. An act granting an increase of pension to Thomas W. Gilpatrick;

S. 5423. An act granting an increase of pension to William M. Tinsley;

S. 5456. An act granting an increase of pension to Marcellus Cash;

S. 5457. An act granting an increase of pension to Albert Teets;

S. 5558. An act granting an increase of pension to George Payne;

S. 5578. An act granting an increase of pension to Sheffield L. Sherman, jr.;

S. 5621. An act granting an increase of pension to Frederick Buehrle;

S. 5623. An act granting an increase of pension to Nicholas M. Hawkins;

S. 5681. An act granting an increase of pension to William Grant;

S. 5692. An act granting an increase of pension to Margaret E. Craig;

S. 5718. An act granting an increase of pension to William D. Hoff;

S. 5724. An act granting an increase of pension to George C. Saul;

S. 5730. An act granting an increase of pension to William O. Spelman;

S. 5752. An act granting an increase of pension to Ruth M. Hoag;

S. 5756. An act granting an increase of pension to Charles A. Bell;

S. 5782. An act granting an increase of pension to Octave L. F. E. Fariola;

S. 5813. An act granting an increase of pension to Marshall T. Kennan;

S. 5884. An act granting an increase of pension to Cyrus Palmer;

S. 5940. An act granting an increase of pension to Henry Bittleston;

S. 6093. An act to create the Barnaby road, from its intersection with the Livingston road to the District line, a public highway in the District of Columbia;

S. 7272. An act granting an increase of pension to George W. Cook;

S. 7283. An act granting an increase of pension to William T. Cooper;

S. 7305. An act granting an increase of pension to Robert K. Leech;

S. 7329. An act granting an increase of pension to Nathaniel Lewis Turner;

S. 7334. An act granting an increase of pension to Joshua T. Jellison;

S. 7341. An act granting an increase of pension to Menzo S. Bishop;

S. 7344. An act granting an increase of pension to Clara P. Coleman;

S. 7355. An act granting an increase of pension to William McHenry Plotner;

S. 7357. An act granting an increase of pension to Levi S. Bailey;

S. 7373. An act granting an increase of pension to Jeremiah Thomas;

S. 7379. An act granting an increase of pension to Mary E. Dougherty;

S. 7380. An act granting an increase of pension to Andrew J. Harris;

S. 7394. An act granting an increase of pension to Henrietta C. Cooley;

S. 7420. An act granting a pension to Eleanor N. Sherman;

S. 7427. An act granting an increase of pension to George L. Danforth;

S. 7429. An act granting a pension to Caroline A. Gilmore;

S. 7430. An act granting a pension to Mary F. Johnson;

S. 7452. An act granting an increase of pension to Thomas Harrop;

S. 7470. An act granting an increase of pension to William F. Burnett;

S. 7473. An act granting an increase of pension to John M. Gilliland;

S. 7476. An act granting an increase of pension to Oliver S. Boggs;

S. 7477. An act granting an increase of pension to Patrick Cooney;

S. 7478. An act granting an increase of pension to William H. Brown;

S. 7479. An act granting an increase of pension to George L. Corey;

S. 7480. An act granting an increase of pension to John Bowen;

S. 7481. An act granting an increase of pension to Alanson W. Edwards;

S. 7482. An act granting an increase of pension to Wilford Herrick;

S. 7483. An act granting an increase of pension to Marinda D. Beery;

S. 7485. An act granting an increase of pension to Lester M. P. Griswold;

S. 7491. An act granting an increase of pension to Anna V. Blaney;

S. 7493. An act granting an increase of pension to George Arthur Tappan;

S. 7503. An act granting an increase of pension to George W. Baker;

S. 7504. An act granting an increase of pension to David Decker;

S. 7509. An act granting an increase of pension to William T. Bennett;

S. 7531. An act granting an increase of pension to William F. Letts;

S. 7532. An act granting an increase of pension to Joseph Klichli;

S. 7533. An act granting an increase of pension to Orvil Dodge;

S. 7553. An act granting an increase of pension to Adolphus P. Clark;

S. 7555. An act granting an increase of pension to James T. Piggott;

S. 7561. An act granting an increase of pension to Charles A. Woodward;

S. 7567. An act granting an increase of pension to William Booth;

S. 7570. An act granting an increase of pension to George W. Hapgood;

S. 7572. An act granting an increase of pension to Warren M. Fales;

S. 7574. An act granting an increase of pension to Emily J. Larkham;



- S. 7598. An act granting an increase of pension to Jesse C. Newell;
- S. 7604. An act granting an increase of pension to John M. Morgan;
- S. 7605. An act granting an increase of pension to Judiah B. Smithson;
- S. 7606. An act granting an increase of pension to Samuel Reeves;
- S. 7609. An act granting an increase of pension to Thomas Strong;
- S. 7610. An act granting an increase of pension to Frederick Kurz;
- S. 7616. An act granting an increase of pension to Ezekiel C. Ford;
- S. 7622. An act granting an increase of pension to George K. Taylor;
- S. 7628. An act granting an increase of pension to John P. Wildman;
- S. 7632. An act granting an increase of pension to Elias W. Garrett;
- S. 7634. An act granting an increase of pension to Charles Shattuck;
- S. 7636. An act granting an increase of pension to Samuel M. Breckenridge;
- S. 7642. An act granting an increase of pension to Oliver H. P. Rhoads;
- S. 7655. An act granting an increase of pension to Francis G. Brown;
- S. 7657. An act granting an increase of pension to Harman Grass;
- S. 7666. An act granting an increase of pension to True Sanborn, jr.;
- S. 7667. An act granting a pension to Henry Lunn;
- S. 7668. An act granting an increase of pension to Henry H. Buzzell;
- S. 7670. An act granting a pension to Sarah E. Lungren;
- S. 7671. An act granting an increase of pension to Charles H. Alden;
- S. 7678. An act granting an increase of pension to Joseph Kennedy;
- S. 7679. An act granting an increase of pension to George M. Shaffer;
- S. 7683. An act granting an increase of pension to William Wakefield;
- S. 7685. An act granting an increase of pension to Albion W. Tebbetts;
- S. 7696. An act granting an increase of pension to Zadok K. Judd;
- S. 7698. An act granting a pension to Fannie S. Grant;
- S. 7708. An act granting an increase of pension to Sue A. Brockway;
- S. 7722. An act granting an increase of pension to Henderson Stanley;
- S. 7745. An act granting an increase of pension to Frederick Wood;
- S. 7763. An act granting an increase of pension to Jacob S. Hawkins;
- S. 7764. An act granting an increase of pension to Davis Gilborne;
- S. 7768. An act granting an increase of pension to Alonzo P. Mann;
- S. 7772. An act granting a pension to Ellen Dougherty;
- S. 7782. An act granting an increase of pension to Henry F. Reuter;
- S. 7785. An act granting an increase of pension to Carlo J. Emerson;
- S. 7786. An act granting an increase of pension to Chauncey M. Snow;
- S. 7803. An act granting an increase of pension to William H. Long;
- S. 7818. An act granting an increase of pension to Edward Bird;
- S. 7820. An act granting an increase of pension to Benjamin B. Cravens;
- S. 7822. An act granting an increase of pension to William N. Bronson;
- S. 7825. An act granting an increase of pension to Garret P. Rockwell;
- S. 7830. An act granting an increase of pension to Wilbur A. Stiles;
- S. 7831. An act granting an increase of pension to William H. Grandaw;
- S. 7838. An act granting an increase of pension to Ole Gunderson;
- S. 7841. An act granting an increase of pension to Frank De Noyer;
- S. 7842. An act granting an increase of pension to Evarts C. Stevens;
- S. 7843. An act granting an increase of pension to Isaac Oakman;
- S. 7862. An act granting an increase of pension to Elias Laughner;
- S. 7870. An act granting an increase of pension to Albert Bennington;
- S. 7871. An act granting a pension to Catharine Hayes;
- S. 7872. An act granting an increase of pension to Gilbert H. Keck;
- S. 7877. An act granting an increase of pension to Thomas D. Marsh;
- S. 7878. An act granting an increase of pension to Richard J. Gibbs;
- S. 7880. An act granting an increase of pension to Sarah E. Stockton;
- S. 7890. An act granting an increase of pension to Henry Zacher, alias Charles Stein;
- S. 7895. An act granting an increase of pension to William Wallace;
- S. 7903. An act granting an increase of pension to Catherine De Rosset Meares;
- S. 7907. An act granting an increase of pension to Wilkison B. Ross;
- S. 7912. An act granting an increase of pension to Eleanor P. Bigler;
- S. 7915. An act granting an increase of pension to Mary M. Howell;
- S. 7918. An act granting an increase of pension to Royal T. Melvin;
- S. 7923. An act granting an increase of pension to William H. Brady;
- S. 7930. An act granting an increase of pension to Joseph Hare, jr.;
- S. 7936. An act granting an increase of pension to Liberty W. Foskett;
- S. 7938. An act granting an increase of pension to John W. Messick;
- S. 7947. An act granting an increase of pension to Charles G. Sweet;
- S. 7948. An act granting an increase of pension to Jane Tate;
- S. 7968. An act granting an increase of pension to James Slater;
- S. 7983. An act granting an increase of pension to Samuel Dubois;
- S. 7993. An act granting an increase of pension to George E. Purdy;
- S. 7995. An act granting an increase of pension to Ashley White;
- S. 7996. An act granting an increase of pension to Robert B. Lucas;
- S. 8005. An act granting an increase of pension to Garrett F. Cowan;
- S. 8006. An act granting an increase of pension to Epaminondas P. Thurston;
- S. 8015. An act granting an increase of pension to Samuel B. Hunter;
- S. 8017. An act granting an increase of pension to Watson L. Corner;
- S. 8023. An act granting an increase of pension to Harry N. Medbury;
- S. 8024. An act granting a pension to Susan J. Rogers;
- S. 8034. An act granting an increase of pension to Jacob M. F. Roberts;
- S. 8038. An act granting an increase of pension to John F. Ackley;
- S. 8049. An act granting an increase of pension to Daniel C. Swartz;
- S. 8056. An act granting an increase of pension to William H. Fountain;
- S. 8064. An act granting an increase of pension to Carlos Trobridge;
- S. 8079. An act granting an increase of pension to Joseph Ickstadt;
- S. 8081. An act granting an increase of pension to William H. Cochran;
- S. 8084. An act granting an increase of pension to John Hazen;
- S. 8089. An act granting an increase of pension to Mary E. Jacobs;

S. 8090. An act granting an increase of pension to Inger A. Steensrud;  
 S. 8101. An act granting an increase of pension to Jacob B. Getter;  
 S. 8104. An act granting an increase of pension to Henry Shelley;  
 S. 8105. An act granting an increase of pension to Anna Arnold;  
 S. 8107. An act granting an increase of pension to Leonidas Obenshain;  
 S. 8120. An act granting an increase of pension to Benjamin T. Woods;  
 S. 8125. An act granting an increase of pension to Mary O. Cherry;  
 S. 8144. An act granting an increase of pension to Elizabeth A. Bonner;  
 S. 8147. An act granting an increase of pension to Ann E. Macy;  
 S. 8153. An act granting an increase of pension to Henry B. Johnson;  
 S. 8195. An act granting an increase of pension to Asa E. Swasey;  
 S. 8196. An act granting an increase of pension to Michael J. Geary;  
 S. 8197. An act granting an increase of pension to Arabella J. Farrell;  
 S. 8201. An act granting an increase of pension to Clara A. Keeting;  
 S. 8207. An act granting an increase of pension to Peter Wedeman;  
 S. 8208. An act authorizing the extension of Park place NW.;  
 S. 8212. An act granting a pension to Azelia Mittag;  
 S. 8214. An act granting a pension to Jeremiah Bowman;  
 S. 8215. An act granting an increase of pension to James W. Lendsay;  
 S. 8225. An act granting an increase of pension to Elizabeth P. Hargrave;  
 S. 8235. An act granting a pension to James H. Huntington;  
 S. 8237. An act granting an increase of pension to Lydia Irvine;  
 S. 8258. An act granting a pension to Mary B. Yerington;  
 S. 8259. An act granting an increase of pension to Henry B. Love;  
 S. 8263. An act granting an increase of pension to Martha L. Bohannon;  
 S. 8278. An act granting an increase of pension to Calvin Herring;  
 S. 8279. An act granting a pension to Edward Dunscomb;  
 S. 8302. An act granting a pension to Ella B. Morrow;  
 S. 8314. An act granting an increase of pension to James P. Worrell;  
 S. 8317. An act granting an increase of pension to Annie C. Stephens;  
 S. 8340. An act granting an increase of pension to Maria L. Philbrick;  
 S. 8345. An act granting an increase of pension to Frank Holderby, alias Frank Giles;  
 S. 8347. An act granting an increase of pension to Ervin F. Mann;  
 S. 8348. An act granting an increase of pension to Cornelius E. Bliss;  
 S. 8349. An act granting a pension to Mary Ellen Van Amringe;  
 S. 8378. An act granting an increase of pension to Eli B. Woodard;  
 S. 8379. An act granting an increase of pension to Bertha Maria Johnson;  
 S. 8390. An act granting an increase of pension to Joseph H. Kinsman;  
 S. 8397. An act granting an increase of pension to Martin Peacock;  
 S. 8404. An act granting an increase of pension to Nelson W. Jameson;  
 S. 8407. An act granting an increase of pension to Reuben C. Webb;  
 S. 8422. An act granting an increase of pension to Overton E. Harris;  
 S. 8443. An act granting a pension to Fanny M. Grant;  
 S. 8456. An act granting an increase of pension to Margaret Baber;  
 S. 8469. An act granting an increase of pension to Thomas L. Hewitt;  
 S. 8485. An act granting an increase of pension to Ann Hudson;

S. 8508. An act granting an increase of pension to Miranda W. Howard;

S. 8511. An act granting a pension to George L. Dancy; and  
 H. R. 22580. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908.

#### PETITIONS AND MEMORIALS.

Mr. FRYE presented a memorial of sundry citizens of Cliff Island, Me., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. PLATT presented a memorial of National Protective Legion No. 275, of Cooks Falls, N. Y., remonstrating against the enactment of legislation to amend and codify the laws relating to the classification of second-class mail matter and the rates of postage thereon; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Syracuse, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Walkill, Pleasant Plains, and Sprout Brook, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry labor organizations of College Point, Buffalo, Little Valley, Albany, Mechanicsville, Troy, and Newburgh, all in the State of New York, praying for the enactment of legislation for the protection of labor and industry from competition with convict labor and prison-made goods; which were referred to the Committee on Education and Labor.

He also presented petitions of sundry telegraph operators of Kingston, Starkey, Jamestown, and Dunkirk, all in the State of New York, praying for the enactment of legislation limiting the hours of employment of railway telegraphers to nine consecutive hours in the twenty-four; which were ordered to lie on the table.

Mr. PERKINS presented petitions of sundry citizens of Ventura, Cal., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Hamilton City and San Francisco, in the State of California, praying for the adoption of certain amendments to the present denatured-alcohol law; which were ordered to lie on the table.

Mr. KEAN presented the petition of J. R. Pitman, superintendent of the Lafin & Rand Powder Company, of Gaskill, N. J., praying for the adoption of certain amendments to the present denatured-alcohol law; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Sharptown, Trenton, Hackettstown, and Red Bank, all in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the United States Gutta Percha Paint Company, of Providence, R. I., praying for the adoption of certain amendments to the present denatured-alcohol law; which was ordered to lie on the table.

He also presented petitions of Providence Lodge, No. 62, International Association of Car Workers, of Providence; of Providence Lodge, No. 103, Brotherhood of Railway Clerks, of Providence, and of Textile Workers' Union No. 133, of White Rock, all in the State of Rhode Island, praying for the enactment of legislation for the protection of labor and industries from the competition of convict labor and prison made goods; which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Tiverton, R. I., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. DICK presented petitions of Thomas M. Scott, of Melissa, Tex.; Josiah Nichol, of Melissa, Tex.; Benjamin H. Edwards, of Florence, Miss.; William W. Dunn, of Forth Worth, Tex.; Joseph A. Smith, of Lawson, Mo.; William L. Martin, of Westminster, Tex.; James M. Chamberlain, of Swift, Tex.; R. Burns, of Grantsville, Utah; Thomas K. Lillard, of Waco, Tex.; Timothy Cronon, of San Francisco, Cal.; Henry Brown, of North Scituate,



Mass.; David P. Clark, of Tupper Lake, N. Y.; George W. Dunn, of Hurricane Mills, Tenn.; David Brooke, of Mesa, Colo.; John P. Valkenburgh, of Big Indian, N. Y.; Thomas W. Bennett, of East Boston, Mass.; Stephen Strange, of Redondo, Cal.; Anderson Harrold, of Needmore, Ind. T.; Sam Sillers, of Stringtown, Miss.; Henry C. Miles, of Los Angeles, Cal.; Joseph W. Kennedy, of Hobart, Okla.; Benjamin Bragg, of Kossuth, Miss.; William O. Flournoy, of Woodville, Ky.; William Focht, of Grant, Iowa; D. C. Keyes, of Silas, Fla.; Garrett C. Maxwell, of Jefferson, Va.; S. C. Tomlinson, of Anthon, Iowa; Nathan Picketts, of Groveport, Ohio; William C. Baxter, of Los Angeles, Cal.; Reuben Daniel, of Magazine, Ark.; John A. Buchanan, of Pasadena, Cal.; John H. Clark, of Winnsboro, Tex.; H. J. Mize, of Gillham, Ark.; Berry Perry, of Shelby, Tenn.; Thomas J. Myers, of Bowling Green, Fla.; John N. Trimble, of Amos, Ark.; James C. Smith, of Mount Royal, Ala.; S. B. Stagg, of Tascosa, Tex.; James C. Rucker, of Decatur, Tex.; John B. Ligon, of New Salem, Ind.; William S. Bennett, of Ballard, Wash.; William Cainer, of Itasca, Tex.; Ovid Baril, of Lowell, Mass.; Michael Chambers, of Warrington, Fla.; William W. Durham, of Forest, Tex.; Thomas Lancaster, of Huntsville, Ala.; John J. Kilmer, of Hopeville Junction, N. Y.; William P. Markland, of Cuba, Ill.; Joseph Morgan, Jr., of Woodbury, N. J.; William H. McCulloch, of New York City, N. Y.; James Grimes, of Evanston, Ind.; John H. Smith, of Sherman, Pa.; Joseph Barnes, of Port Deposit, Md.; William R. Mitchell, of Newman, Ky.; Frederick W. Crusoe, of Dayton, Ohio; H. F. Graves, of Quincy, Ill.; A. T. Gibson, of Detroit, Mich.; Thomas M. Martin, of Benton, Ark.; B. M. Brown, of Bellevue, Mich.; Franklin Pickler, of Chamberlain, Ind. T.; Jesu Newton, of Alba, Tex.; Jacob Cope, of Frederick, Okla.; George E. Burger, of Pittsburg, Pa.; William Patton, of Milford, Iowa; George M. Crews, of Sandusky, Mich.; Jacob Klarman, of Shumway, Ill.; S. A. Smiley, of Marshall, Tex.; Solomon Ingram, of Gustine, Tex.; John P. Sar, of Florissant, Mo.; Peter H. Bruyere, of Waco, Tex.; Emile Brand, of Dutchtown, La.; Richard M. Anderson, of Bluff Point, Tenn.; John W. Chalk, of Pilot Point, Tex.; Charles Goodall, of Hickory, Ind. T.; Jefferson Critchfield, of Arapahoe, Neb.; Andrew Forrest, of Mushler, Pa.; Sylvester S. Dennis, of Sedgwick, Kans.; Wallace E. Goodnow, of Brandon, Vt.; William A. Foss, of Gladstone, Mich.; James L. Carhart, of New York City, N. Y.; Thomas A. Snoddy, of Meridian, Tex.; Franz Frederick, of Hancock, Wis.; Andrew T. Towley, of Hubbard, Iowa; William M. Miller, of Syracuse, N. Y.; Samuel Avery, of Armow, Ark.; Joseph Kaiser, of Janesville, Minn.; John Strand, of Eastward, Ky.; W. H. H. Rose, of Vida, Mo.; Samuel S. Brand, of Jenco Springs, Mo.; P. M. Dennison, of Houston, Ohio; George Gewugh, of Clinton, Me.; Ambrose Burton, of Kentucky; Henry Taylor, of Eastward, Ky.; John Kincaid, of Logtown, La.; R. A. W. Donovan, of St. Louis, Mo.; Edward Smith, of Madison, Ind.; P. M. Nelson, of Rogers, Tex.; E. F. Barney, of De Leon Springs, Fla.; Stephen H. Brady, of Silas, W. Edmunds, of New Orleans, La.; Charles A. Nelson, of Crevi, Miss.; John Hanby, of Hon, Ark.; E. H. Palmer, of East McKeesport, Pa.; Richard S. Davenport, of McDonough, N. Y., and of General William S. Lincoln Command, No. 18, Union Veterans' Union, of Worcester, Mass., praying for the adoption of a certain amendment to the present service pension law providing for the payment of a specified fee to attorneys in pension claims; which were referred to the Committee on Pensions.

Mr. GALLINGER. Mr. President, I present numerous telegrams just received, and I shall read one of them:

Will you please favor me by supporting Congressman MURPHY's bill limiting hours of service to railroad telegraph operators to nine hours out of each twenty-four.

I apprehend that that is an amendment that was placed on the so-called "sixteen-hour bill" which passed the Senate some time ago. I will present these telegrams, asking that the names of each of the parties who sent them may be inserted in the RECORD, and that they may lie on the table.

The VICE-PRESIDENT. Without objection, it is so ordered. The telegrams were ordered to lie on the table, as follows:

From A. H. Gilman, of Lakeport, N. H.; from A. Walters, Jr., of Penacook, N. H.; from H. M. Clay, of Boscawen, N. H.; from W. H. Meserve, of Penacook, N. H.; from H. W. Wronney, of Lakeport, N. H.; from F. R. Roers, of Franklin, N. H.; from J. M. Guare, of Wing Road, N. H.; from F. H. Gage, of Franklin, N. H.; from R. A. Burgess, of Franklin, N. H.; from H. H. Hughes, of Littleton, N. H.

Mr. GALLINGER presented petitions of Local Union No. 442, International Brotherhood of Blacksmiths and Helpers, of Concord; of Local Union No. 179, American Federation of Labor, of Whitefield, in the State of New Hampshire, and of Local Union No. 125, International Brotherhood of Blacksmiths and Helpers, of Kittery, Me., praying for the enactment of legislation providing for the protection of labor and industries from

the competition of convict labor and prison-made goods; which were referred to the Committee on Education and Labor.

Mr. LONG presented a petition of Subordinate Lodge No. 4, International Brotherhood of Blacksmiths and Helpers, of Rosedale, Kans., praying for the enactment of legislation providing for the protection of labor and industries from the competition of convict labor and prison-made goods; which was referred to the Committee on Education and Labor.

He also presented a petition of the board of directors of the Trades League of Philadelphia, Pa., praying for the enactment of legislation providing for a charge of 1 cent per ounce on first-class mail matter weighing more than 1 ounce, with a minimum charge of 2 cents for the first ounce; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Subordinate Orders Nos. 22, 29, 156, 190, 346, 90, and 405, of McCune, St. Paul, Narka, Hallowell, and Falun, all of the Anti-Horse Thief Association, and of Camp No. 2996, Modern Woodmen of America, of St. Paul, all in the State of Kansas, remonstrating against the enactment of legislation to amend the laws relating to the classification of second-class mail matter and the rates of postage thereon; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Howard, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. HANSBROUGH presented petitions of sundry citizens of Egeland, N. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of North Dakota, praying for the adoption of certain amendments to the present denatured-alcohol law; which were ordered to lie on the table.

He also presented memorials of sundry citizens of Osnabrock, N. Dak., and of Washington, D. C., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Auburn and South Berwick, in the State of Maine, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented the petition of Charles D. Woods and sundry other citizens of Maine, praying for the adoption of certain amendments to the present denatured-alcohol law; which was ordered to lie on the table.

Mr. ANKENY presented a petition of sundry citizens of the State of Washington, praying for the enactment of a reciprocal demurrage law; which was referred to the Committee on Interstate Commerce.

Mr. PROCTOR presented a petition of sundry citizens of Fairhaven, Vt., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. HOPKINS presented a petition of sundry citizens of Galena, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Chicago, Huntsville, and Rockford, all in the State of Illinois, praying for the adoption of certain amendments to the present denatured-alcohol law; which was ordered to lie on the table.

He also presented petitions of sundry labor organizations of Springfield, Kingston Mines, Caseyville, Joliet, Carriers Mills, Kewanee, Galesburg, Quincy, Litchfield, Springfield, Mount Vernon, Menard, Peoria, Carlinville, Streator, Chicago, Decatur, Beardstown, Bloomington, and Belleville, all in the State of Illinois, praying for the enactment of legislation to protect labor and industries from the competition of convict labor and manufactures; which were referred to the Committee on Education and Labor.

Mr. LODGE presented petitions of G. B. Burnett & Son, of Amherst; Prof. A. A. Noyes, of the Massachusetts Institute of Technology, of Boston, and of Prof. L. A. Olney, of the Lowell Textile School, of Lowell, all in the State of Massachusetts, praying for the adoption of certain amendments to the present denatured-alcohol law; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Worcester, Mass., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. KNOX presented a petition of Camp La Lom, Army of the Philippines, of Uniontown, Pa., praying for the enactment of legislation extending foreign campaign badges to all who served honorably in the United States Army, Navy, and Marine Corps; which was referred to the Committee on Military Affairs.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the enactment of legislation providing for a charge of 1 cent per ounce on first-class mail matter weighing more than 1 ounce, with a minimum charge of 2 cents for the first ounce; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Lodge No. 33, International Association of Car Workers, of Vilas; Lodge No. 25, Amalgamated Association of Iron, Steel, and Tin Workers, of Danville; Local Union No. 117, Coopers' International Union, of Gibsonton; Local Grinders and Finishers' National Union, of Tidlooute; Lodge No. 22, Amalgamated Association of Iron, Steel, and Tin Workers, of Lancaster; Lodge No. 15, Amalgamated Association of Iron, Steel, and Tin Workers, of South Sharon; Branch No. 76, Glass Bottle Blowers' Association, of Sharpsburg; Local Union No. 17, International Association of Marble Workers, of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation providing for the protection of labor and industries from the competition of convict labor and prison-made goods; which were referred to the Committee on Education and Labor.

Mr. BEVERIDGE presented petitions of the International Typographical Union; Reed, Willow, and Rattan International Union of America; the Piel Brothers Manufacturing Company; the Capital Rattan Company, all of Indianapolis; of Local Union No. 227, of the United Garment Workers of America, of Richmond, and of Jarvis Lodge, No. 8, of Terre Haute, and the International Brotherhood of Blacksmiths of Hammond, all in the State of Indiana, praying for the enactment of legislation providing for the protection of labor and industries from the competition of convict labor and prison-made goods; which were referred to the Committee on Education and Labor.

Mr. BRANDEGEE presented a petition of the Locomobile Company of America, of Bridgeport, Conn., and a petition of sundry citizens of Middletown, Conn., praying for the adoption of certain amendments to the present denatured-alcohol law; which were ordered to lie on the table.

He also presented a petition of the Epworth League of the Methodist Episcopal Church of New Britain, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of Local Union No. 180, International Brotherhood of Blacksmiths and Helpers, of New Haven; of Pilgrim Lodge, No. 48, International Association of Car Workers, of New Haven, and of Elm City Lodge, No. 1, Amalgamated Association of Iron, Steel, and Tin Workers of the United States, of New Haven, all in the State of Connecticut, praying for the enactment of legislation providing for the protection of labor and industries from the competition of convict labor and prison-made goods; which were referred to the Committee on Education and Labor.

#### REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 8561) to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906, reported it without amendment, and submitted a report thereon.

Mr. BURROWS, from the Committee on Finance, to whom was referred the bill (H. R. 8) for the relief of the Harbison-Walker Company, of Pittsburg, Pa., reported it without amendment.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the bill (H. R. 25032) to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902, reported it without amendment.

Mr. CARTER (for Mr. PENROSE), from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 13418) for the relief of W. S. Hammaker, reported it without amendment.

#### GRAND CALUMET RIVER BRIDGE, IN ILLINOIS.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 25671) authorizing the construction of a bridge across the Grand Calumet River in the

State of Illinois, to report it favorably without amendment, and I submit a report thereon.

This is an exact copy of a Senate bill which is now on the Calendar, Senate bill 8507. I ask that the House bill be substituted for the Senate bill, and that the Senate bill be indefinitely postponed.

Mr. CULLOM. I ask that the bill just reported be now considered.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. The bill (S. 8507) authorizing the construction of a bridge across the Grand Calumet River, in the State of Illinois, will be indefinitely postponed.

#### PROHIBITION OF SHANGHAING.

Mr. FRYE. I report back favorably from the Committee on Commerce, without amendment, the bill (H. R. 25190) to amend sections 1, 2, and 3 of an act entitled "An act to prohibit shanghaiing in the United States," approved June 28, 1906, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend sections 1, 2, and 3 of the act so as to read:

Whoever, with intent that any person shall perform service or labor of any kind on board of any vessel engaged in trade and commerce among the several States or with foreign nations, or on board of any vessel of the United States engaged in navigating the high seas or any navigable water of the United States, shall procure or induce, or attempt to procure or induce, another, by force or threats or by representations which he knows or believes to be untrue, or while the person so procured or induced is intoxicated or under the influence of any drug, to go on board of any such vessel, or to sign or in any wise enter into any agreement to go on board of any such vessel to perform service or labor thereon, or whoever shall knowingly detain on board of any such vessel any person so procured or induced to go on board thereof or to enter into any agreement to go on board thereof by any means herein defined, or whoever shall knowingly aid or abet in the doing of any of the things herein made unlawful shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### COOSA RIVER DAM, IN ALABAMA.

Mr. PETTUS. I ask for the present consideration of the bill (S. 8526) permitting the erection of a dam across Coosa River, Alabama, at the place selected for Lock No. 12 on said river.

I will say that this is a very important bill, and it does not carry a dollar of money. It is for the building of a dam across the Coosa River, in the State of Alabama, at the corporation's own expense.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PETTUS. I desire to ask that the bill which has just been passed may be sent to the other House as speedily as the rules will allow.

The VICE-PRESIDENT. That will be done.

#### ESCAMBIA RIVER BRIDGE, IN FLORIDA.

Mr. MALLORY. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 8556) to authorize the Pensacola and Northeastern Railroad Company, a corporation existing under the laws of the State of Florida, to construct a bridge over the Escambia River, between the counties of Santa Rosa and Escambia, in the State of Florida, to report it favorably with amendments, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Commerce were, on page 1, line 9, after the word "War," to insert "in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906;" and to strike out sections 2, 3, 4, 5, and 7 of the bill, and to change the numbering of section 6 to section 2; so as to make the bill read:

Be it enacted, etc., That the Pensacola and Northeastern Railroad Company, a corporation existing under the laws of the State of Florida, be, and is hereby, authorized to construct, operate, and maintain a bridge over the Escambia River, between the counties of Escambia and Santa Rosa, in the State of Florida, at such point between the mouth of said river and the Alabama State line to be approved by the Secretary of War, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.



Sec. 2. That the right to alter, amend, and repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROSANNA A. MAY.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 8568) granting an increase of pension to Rosanna A. May, to report it favorably with an amendment; and I ask for its present consideration.

Mr. CLAPP. I shall not object to these pension bills, but I shall object to the consideration of any other bills out of their order. It would not take an hour's time to-day to go to the Calendar and clean it up.

Mr. McCUMBER. It will not take a minute now to pass these bills.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill reported by the Senator from North Dakota?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, in line 8, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosanna A. May, widow of John T. May, late of Company A, Second Battalion District of Columbia Volunteer Infantry, and to pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS H. ADAMS.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 23612) granting an increase of pension to Thomas H. Adams, to report it favorably without amendment; and I ask that it be put on its passage.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas H. Adams, late of Company H, Twenty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### INDEX TO REPORTS OF NATIONAL PRISON ASSOCIATION.

Mr. PLATT, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent and agreed to:

*Resolved,* That the index to the reports of the National Prison Association for the years 1870, 1873, 1874, and 1883 to 1904 be printed as a document for the use of the Senate, and that 1,000 additional copies be printed for the National Prison Association.

Mr. WHYTE subsequently said: I move to reconsider the vote by which the Senate agreed to the resolution reported to-day by the Senator from New York [Mr. PLATT] providing for the printing of copies of the index to the reports of the National Prison Association for the years 1870, 1873, 1874, and 1883 to 1904.

The motion to reconsider was agreed to.

Mr. WHYTE. I ask leave of the Senate to withdraw the resolution.

The VICE-PRESIDENT. In the absence of objection, the resolution will be withdrawn.

#### MISSISSIPPI RIVER BRIDGE AT EAST ST. LOUIS.

Mr. STONE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 25629) to repeal the act of February 27, 1901, granting authority to the East St. Louis and St. Louis Bridge and Construction Company, of the city of East St. Louis, Ill., to build, own, operate, and maintain a bridge across the Mississippi River, to report it without amendment.

I have been instructed by the Committee on Commerce to ask for the immediate consideration of the bill.

Mr. CURTIS. I ask that the bill may go to the Calendar.

The VICE-PRESIDENT. The bill will go to the Calendar.

#### ORDER OF BUSINESS.

Mr. HALE. Mr. President, let me suggest in the way of order of business that after the conference reports that are

necessary to be finished are disposed of and the speech of the Senator from Colorado [Mr. PATTERSON] there never will be any better time than to-day to go to the Calendar for unobjected cases for an hour.

Mr. GALLINGER and others. That is right.

Mr. HALE. I ask unanimous consent that after the conference reports are submitted and the speech of the Senator from Colorado the Senate shall consider unobjected cases on the Calendar for one hour and a half or two hours. That will relieve a great many Senators who have bills on the Calendar that ought to be passed, and to-day is the best time for their consideration. No other appropriation bill will come in to-day.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that at the conclusion of the remarks of the Senator from Colorado and the completion of the consideration of the conference reports the Senate will proceed to the consideration of unobjected bills on the Calendar for an hour and a half.

Mr. CARTER. Let me ask the Senator why it is necessary to fix a limitation of one hour and a half?

Mr. HALE. I am not at all particular about that. The suggestion has been made to me that we will not need as much time as that.

Mr. CARTER. I presume an agreement could be made that the unobjected cases be disposed of, subject, of course, to interference with the order at any time by conference reports or any privileged business of the Senate. If the limitation is taken off, I suggest to the Senator that it will result in disposing of all the unobjected cases, particularly the House bills.

Mr. HALE. I will ask, then, that we shall proceed at the time I have indicated to the consideration of unobjected cases on the Calendar.

Mr. SPOONER. I think it would be just as well to make no order and not tie the hands of the Senate at this stage of the session until after the Senator from Colorado has finished his speech.

Mr. HALE. The Senator did not understand my suggestion. It was that after the conference reports and the speech of the Senator from Colorado are concluded then we carve out an hour or two for the consideration of cases on the Calendar, an arrangement that will meet the convenience of a great many Senators and be very satisfactory to them.

Mr. SPOONER. I quite agree with the Senator, but we can tell better when to locate the hour if we wait.

Mr. HALE. I am afraid if we do not agree to it now and Senators do not make their preparations accordingly we shall find it more difficult to do this at a future time. I do not see what harm there is in the order.

Mr. SPOONER. There are one or two bills, one with reference to Alaska, which I think the Senate ought to consider and dispose of. There are several bills which the Senate ought to take up.

Mr. HALE. Undoubtedly; but many Senators who are interested in the unobjected cases prefer this course, and it seems to me that we ought to give them the first chance.

Mr. SPOONER. I think they ought to have a chance, but I think there ought to be some discrimination as to the relative importance of measures.

Mr. HALE. There is no discrimination where we take up unobjected cases. I think the Senator will find that he will not get bills which are contested through any more speedily by objecting to going on with the Calendar for the consideration of unobjected cases.

Mr. SPOONER. I was not objecting, and if I were objecting I would not be influenced at all by any minatory suggestions. I do not think the Senator ought to indulge in them.

Mr. HALE. I simply—

Mr. SPOONER. I have the same desire the Senator has to expedite the public business. I merely ventured to suggest that we can tell better after the Senator from Colorado finishes his speech whether there are any matters which ought to be immediately considered. I do not object to the Senator's request.

Mr. HALE. Let the request be submitted to the Senate.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that at the conclusion of the remarks of the Senator from Colorado, and after the consideration of conference reports, the Senate shall proceed to the consideration of unobjected cases on the Calendar for an hour and a half.

Mr. HALE. I will not limit the time—that the Senate shall proceed to the consideration of unobjected cases on the Calendar.

The VICE-PRESIDENT. That the Senate shall proceed to the consideration of unobjected cases on the Calendar. Is there objection? The Chair hears none, and it is so ordered.

Mr. SPOONER. The Chair was so rapid in his decision that

I had no opportunity to say what I desired to say. That puts one in a position of objecting to a bill which he really thinks ought to pass by making it absolutely indefinite as to time.

Mr. ALDRICH. Until the further order of the Senate.

Mr. SPOONER. We can not change a unanimous-consent agreement.

Mr. ALDRICH. It is already the order of the Senate.

#### DENATURED ALCOHOL.

Mr. HANSBROUGH. I am authorized by the Committee on Finance, to whom was referred the bill (H. R. 24816) to amend an act entitled "An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906, to report it favorably with amendments. This is the bill known as the "free-alcohol bill," and I desire to give notice that at the very earliest opportunity I shall move to take up the bill for consideration.

Mr. KEAN. I ask for the reading of the bill.

The VICE-PRESIDENT. Without objection, the Secretary will read the bill.

The Secretary read the bill and the amendments, as follows:

*Be it enacted, etc., That notwithstanding anything contained in the act entitled "An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906, domestic alcohol when suitably denatured may be withdrawn from bond without the payment of internal-revenue tax and used in the manufacture of ether and chloroform and other definite chemical substances where said alcohol is changed into some other chemical substance and does not appear in the finished product as alcohol: Provided, That rum of not less than 150° proof may be withdrawn, for denaturation only, in accordance with the provisions of said act of June 7, 1906, and in accordance with the provisions of this act.*

SEC. 2. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may authorize the establishment of central denaturing bonded warehouses, other than those at distilleries, to which alcohol of the required proof may be transferred from distilleries or distillery bonded warehouses without the payment of internal-revenue tax, and in which such alcohol may be stored and denatured. The establishment, operation, and custody of such warehouses shall be under such regulations and upon the execution of such bonds as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

SEC. 3. That alcohol of the required proof may be drawn off, for denaturation only, from receiving cisterns in the cistern room of any distillery for transfer by pipes direct to any denaturing bonded warehouse on the distillery premises or to closed metal storage tanks situated in the distillery bonded warehouse, or from such storage tanks to any denaturing bonded warehouse on the distillery premises, and denatured alcohol may also be transported from the denaturing bonded warehouse, in such manner and by means of such packages, tanks, or tank cars, and on the execution of such bonds, and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. And further, alcohol to be denatured may be withdrawn without the payment of internal-revenue tax from the distillery bonded warehouse for shipment to central denaturing plants in such packages, tanks, and tank cars, under such regulations and on the execution of such bonds as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

SEC. 4. That at all distilleries producing alcohol from any substance whatever, for denaturation only, and having a daily spirit-producing capacity of not exceeding 100 proof gallons, the use of cisterns or tanks of such size and construction as may be deemed expedient may be permitted in lieu of distillery bonded warehouses, and the production, storage, the manner and process of denaturing on the distillery premises the alcohol produced, and transportation of such alcohol, and the operation of such distilleries shall be upon the execution of such bonds and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, and such distilleries may by such regulations be exempted from such provisions of the existing laws relating to distilleries except the provisions of section 3284 of the Revised Statutes, as may be deemed expedient by said officials.

SEC. 5. That the provisions of this act shall take effect on September 1, 1907.

[The amendments of the Committee on Finance appear in italics.]

Mr. CULLOM. Mr. President, I object to the present consideration of the bill.

The VICE-PRESIDENT. The bill will go to the Calendar.

Mr. HANSBROUGH. I hope the Senator from Illinois will not insist on his objection. I ask that the bill be made the unfinished business.

Mr. CULLOM. I object to that.

The VICE-PRESIDENT. Objection is made.

Mr. HANSBROUGH. I move that the Senate proceed to the consideration of the bill.

Mr. KEAN. That motion is not in order under the unanimous-consent agreement.

Mr. FULTON. Before the motion is put, I should like to ask the Senator from North Dakota if the report will be printed before the bill is brought up for final consideration, in order that we may know just what the amendments are and what change is proposed to be made. With that understanding, I will make no objection at the present time.

Mr. HANSBROUGH. There is no written report with the bill. There are two amendments agreed upon by the committee.

Mr. CULLOM. I ask that the bill go to the Calendar.

Mr. HANSBROUGH. I will withdraw the request that it be made the unfinished business, provided—

Mr. CULLOM. I call for the regular order.

Mr. HANSBROUGH. Provided the clerks will see that the bill goes to the Printer at once, so that we may get it back this afternoon as early as possible.

Mr. FULTON. I wish simply to say that the statement I have made does not come from any hostility to the amendments to the bill, because I do not know just what they are. I do know that the present law requires amendment, and we thought we had an effective law at the last session and discovered we did not. I do not want to have Congress make another mistake.

Mr. HANSBROUGH. I think the Senator will find that this is a very decided improvement on the existing law.

Mr. GALLINGER. The regular order, Mr. President.

The VICE-PRESIDENT. The introduction of bills and joint resolutions is in order.

#### C. B. MCCLENNY.

Mr. TALIAFERRO. Yesterday I introduced a bill (S. 8579) for the relief of C. B. McClenny, which was referred to the Committee on Public Health and National Quarantine. I ask that the committee be discharged from the further consideration of the bill, and that it be referred to the Committee on Claims.

The VICE-PRESIDENT. Without objection, it is so ordered.

#### BILLS INTRODUCED.

Mr. STONE introduced a bill (S. 8597) for the relief of the county of Phelps, State of Missouri; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CLAPP introduced a bill (S. 8598) for the relief of John H. Daven; which was read twice by its title, and referred to the Committee on Claims.

Mr. MCENERY introduced a bill (S. 8599) granting an increase of pension to Matilda Ann Cheney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 8600) for the relief of the Grand Lodge Independent Order of Odd Fellows of the State of Tennessee;

A bill (S. 8601) for relief of trustees of Lynn Creek Baptist Church, of Giles County, Tenn.;

A bill (S. 8602) for relief of trustees of Harpeth Academy;

A bill (S. 8603) for relief of the trustees of Porter Female Academy;

A bill (S. 8604) for the relief of the Mount Zion Church, of Williamson County, Tenn.; and

A bill (S. 8605) for the relief of Benjamin F. Harris.

Mr. DANIEL introduced a bill (S. 8606) for the relief of Lucy A. Monroe; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 8607) for the relief of the trustees of Hanover Baptist Church, of King George County, Va.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. McLAURIN introduced a bill (S. 8608) granting an increase of pension to Sylvester Starkey; which was read twice by its title, and referred to the Committee on Pensions.

#### AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to extend the time for the completion of the Anacostia, Surrattsville and Brandywine Electric Railroad into the District of Columbia to twelve months from March 3, 1907, intended to be proposed by him to the general deficiency bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate \$3,000 to pay Pitman Pulsifer for labor in compiling and indexing the Navy appropriation laws covering what is known as the "new Navy," etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KNOX submitted an amendment proposing to appropriate \$3,000 to pay John N. McDowell, of Council City, Alaska, for services rendered in preparing a new set of indices of the records of the recording district of that city, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### OMNIBUS CLAIMS BILL.

Mr. CLAPP submitted an amendment intended to be proposed by him to the omnibus claims bill; which was referred to the Committee on Claims, and ordered to be printed.



## HOUSE BILLS REFERRED.

H. R. 15859. An act ceding certain lands to the Colorado State Agricultural College was read twice by its title, and referred to the Committee on Public Lands.

H. R. 19751. An act to authorize the Natchez Electric Railway and Power Company to construct and operate an electric railway along the national cemetery roadway, at Natchez, Miss., was read twice by its title, and referred to the Committee on Military Affairs.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 25738. An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River;

H. R. 25739. An act to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Cumberland River; and

H. R. 25769. An act to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906.

## GOVERNMENT OWNERSHIP OF RAILROADS.

Mr. PATTERSON. I call up the bill (S. 8436) to provide for the acquisition, purchase, construction, and condemnation by the United States of America of railroads in the several States and Territories of the United States and the District of Columbia engaged in interstate commerce and in carrying the mails, and to provide for the operation of said roads by the United States, which I introduced on the 12th instant, and which is on the Table Calendar.

The VICE-PRESIDENT. The Chair lays the bill before the Senate.

Mr. PATTERSON. Mr. President, in introducing a bill for the condemnation, purchase, and operation of the railways of the country by the Government—I am not moved by anticipation of very early legislation for that purpose. Reforms of such character are of slow growth and tardy fulfillment. But public opinion in favor of the step is crystallizing and the movement in its behalf is growing rapidly. In my humble opinion national ownership of railroads will be an accomplished fact within the lifetime of members of this body who have already passed the meridian of life. My purpose in introducing the bill and discussing it in this great forum is to do my share, small as it may be, in forwarding the movement. I am convinced that for the country to know the ground is for the country to occupy it; and to occupy the ground will bring more widespread, more evenly distributed, and greater general prosperity than will any other reform now contemplated by any considerable number of the American people.

Notwithstanding the remedial railway legislation of the last session of Congress, the power and purposes of the great railroad combinations have not changed. Whatever their aggressions were in 1874 and previously, in the face of the interstate-commerce act and its various amendments, all adopted since that date, the railways have increased in power, aggressiveness, and in utter indifference to public rights, and for reasons I will later on explain the recent act will, in the nature of things, accomplish very little toward undoing the evils. Yet in June, 1874, the late President Garfield, then a Member of the House of Representatives, thus characterized the attitude of the railways to the public:

It is painfully evident—

He said—

from the experience of the last few years that the efforts of the States to regulate their railroads have amounted to little more than a feeble annoyance. In many cases the corporations have treated such efforts as impertinent meddling and have brushed away legislative restrictions as easily as Gulliver broke the cords with which the Lilliputians attempted to bind him.

In these contests the corporations have become conscious of their strength and have entered upon the work of controlling the States. Already they have captured some of the best and strongest of them, and these discredited sovereigns now follow in chains the triumphant chariot of their conquerors. And this does not imply that merely officers and representatives of States have been subjected to the railways, but that the corporations have grasped the sources and fountains of power and control the choice of both officers and representatives.

The consolidation—

He continues—

of our great commercial companies, the power they wield, and the relations they sustain to the State and to the industry of the people do not fall far short of Fourier's definition of commercial and industrial feudalism. The modern barons, more formidable than their military prototype, own our greatest highways and levy tribute at will on all our vast industries. And as the old feudalism was finally controlled and subordinated only by the combined effort of the king and the people of the free cities and towns, so our modern feudalism can be subor-

dated to the public good only by the great body of the people acting through their governments by wise and just laws.

Mr. President, I can take little time in view of the scope of the discussion I have in mind to enlarge upon the needs—not for the control of the railroads, but for their possession and operation by the General Government. The evils of private ownership became so great that their rigid regulation was declared for in the last national Democratic platform, and the President who was elected without any pledge by his party in that direction was enabled to bring such a public sentiment to bear upon Congress that the modern barons for a time lost control of their servitors, and the legislation promised by the Democratic party was enacted by a Republican Congress. True, this was not accomplished without long and aggressive opposition under various disguises, but the popular sentiment overcame it all and the regulatory legislation was adopted practically as originally urged. But the modern barons have been merely driven to make a detour in their march for practical mastery of the transportation of the country; and as suits and judgments dissolving mergers and trusts and other unlawful combinations in restraint of trade have been readily evaded by those who were prosecuted and were the losers in the litigation, and the combinations continue to exist and multiply and grow in scope and power, so the railroads, in spite of the recent legislation, will remain the masters of transportation and in one way or another will maintain their relentless grip upon the country's commerce, directing its current, curtailing its activities, and forcing it to yield extortionate tribute. They will continue to hold the sources and fountains of power, controlling in a large degree the choice of both State and national officers and Representatives. When this becomes plain to the people, as it must become glaringly clear before many more years, the sentiment for government ownership of the railroads will grow with accelerated speed, and almost before the railroad corporations realize the fact the people will enforce their right to take possession of these great arteries of trade.

## WHAT WILL BE DISCUSSED.

Mr. President, there is time to discuss but few of the problems associated with government ownership, and the discussion of those must necessarily be incomplete, but I hope the time I consume will be sufficient to clearly place the propositions I present before the Senate. I propose to discuss them in the following order:

1. The railway as a function of government;
2. The constitutional power to acquire existing railways by condemnation;
3. Method for their valuation and with that the present market value of the railways;
4. How the money may be procured with which to pay for the roads and the relatively small amounts of actual money that will be needed; and
5. Some of the great economies that government ownership will result in and the benefits to accrue to the public generally and to the mass of workmen who will operate the roads.

Mr. President, the bill I had the honor to introduce was prepared as a fairly complete scheme for the acquisition and the operation of the properties. I will not now go into the details of the proposed measure; but I will add it as an appendix to my remarks, and I ask the consent of the Senate for that purpose.

The VICE-PRESIDENT. Without objection, permission is granted.

## THE RAILWAY AS A FUNCTION OF GOVERNMENT.

Mr. PATTERSON. There is no question but that the railroads are public highways and are such in the same sense as the common roads, now probably aggregating 2,000,000 miles in extent. It is just as well settled that the administration of the railroads represents a function of government, succeeding the former "king's highways." Governments have always had the right to take private property when necessary to perform their functions, and the building and maintenance of highways is one of the most necessary and useful of the functions. In the United States, however, the General Government did not choose at first to build the railroads itself, but it did while in the throes of the civil war give substantial aid in land grants and the guaranty of bonds to private corporations which undertook to build and operate great trunk transcontinental lines, with some branches connected with them. The States, through legislation, delegated the construction of railroads to individuals or private joint stock companies. Thus private corporations have been enabled through this delegation of governmental powers, for three-quarters of a century, to compel private owners to sell to them rights of way or to submit to the condemnation of their lands for railway uses until now such companies have graded and equipped and are operating upon these rights of way more than 220,000 miles of road.

But, Mr. President, although these railroads, largely with the financial assistance of the State and the Government, were thus privately constructed, the basic fact of their governmental character has never been lost sight of by either the lawmaking powers or the courts. This is seen in the frequent attempts of both Congress and the legislatures to regulate their rates and preferential practices, and by the multifarious rules laid down by the courts defining their duties as public or common carriers. The United States Supreme Court took this view of the matter, as reference to *Olcott v. The Supervisors of Fond du Lac County* (83 U. S., 678) will show. The court in that case said:

That, railroads, though constructed by private corporations and owned by them, are public highways has been the doctrine of nearly all the courts ever since such conveniences of passage and transportation have had any existence. Very early the question arose whether a State's right of eminent domain could be exercised by a private corporation created for the purpose of constructing a railroad. Clearly it could not, unless taking land for such a purpose by such an agency is taking land for public use. The right of eminent domain nowhere justifies taking property for private use. Yet it is a doctrine universally accepted that a State legislature may authorize a private corporation to take land for the construction of such a road, making compensation to the owner. \* \* \* And the reason why the use has always been held a public one is that such a road is a highway, whether made by the Government itself or by the agency of corporate bodies. \* \* \* It has never been considered a matter of any importance that the road was built by the agency of a private corporation. No matter who is the agent, the function performed is that of the State.

In *Smyth v. Ames*, decided in 1897 (169 U. S.), *Olcott v. The Supervisors*, etc., is cited and approved, and the court in addition declared:

A railroad is a public highway, and none the less so because constructed and maintained through the agency of a corporation deriving its existence and powers from the State. Such a corporation was created for public purposes. It performs a function of the State.

If the railroads are exercising a function of the Government this is a fact of fundamental importance, because upon this fact depends the rights of the people with regard to the ownership and operation of the roads. Private proprietors may do much as they please with their private properties. The merchant may sell or not sell; or as he chooses he may sell to one patron at a low and to another at a high price, but public officials as to things public that they administer can of right do no such thing; as to them every citizen is entitled to the same treatment, and this, indeed, is only granting the citizen equality before the law. A judge in his court exercises the judicial function of government, and grants all suitors juridical equality. The same right attaches in the citizen with regard to any other function of government. This is his constitutional right as a citizen, and the Interstate Commerce Commission well explained this in one of its earlier reports. The following clear expression of its views was published as early as 1892—views that have met with universal public and judicial approval ever since:

The railroad is justly regarded as a public facility which every person may enjoy at pleasure, a common right to which all are admitted and from which none can be excluded. The essence of this right is equality, and its enjoyment can be complete only when it is secured on like conditions by all who desire its benefits. The railroad exists by virtue of authority proceeding from the State, and thus differs in its essential nature from every form of private enterprise. The carrier is invested with extraordinary powers which are delegated by the sovereign, and thereby performs a governmental function. The favoritism, partiality, and exactions which the law was designed to prevent resulted in large measure from a general misapprehension of the nature of transportation and its vital relation to commercial and industrial progress. So far from being a private possession, it differs from every species of property and is in no sense a commodity. Its office is peculiar, for it is essentially public. The railroad, therefore, can rightfully do nothing which the State itself might not do if it performed this public service through its own agents instead of delegating it to corporations which it has created. The large shipper is entitled to no advantage over his smaller rival in respect of rates or accommodations, for the compensation exacted in every case should be measured by the same standard. To allow any exceptions to this fundamental rule is to subvert the principle upon which free institutions depend and substitute arbitrary caprice for equality of right.

I have felt constrained to quote so largely on this branch of the subject because there is a disposition in many quarters to minimize the obligations of the General Government and the States to control the railroads of the country; a disposition sometimes proceeding from a sense of self-sufficiency natural to the owners of great blocks of railway securities and frequently, I regret to state, from unconsciously interested feelings. But independently of judicial theory or philosophical argument this principle has received universal sanction ever since the invention of the steam railway in the most positive and practical manner possible. Wherever railways have been introduced governments have been found either regulating them with aggressive positiveness, constructing them in whole or in part with the public moneys and operating them for the common good, or, after their construction by private companies, taking them over through public statutes and paying the owners their value, and this whether the owners were willing for the transfer or not. A table showing the different countries and how many miles of railway are publicly and privately

owned in each will demonstrate what I maintain. I have had prepared such a table, and it sets out the number of miles of railway in each country in private ownership and the number in public ownership, with summaries at the close of greater or less significance to the question.

Miles of railway in the different countries of the world and how owned.

Countries.	Private ownership.	Public ownership.
	Miles.	Miles.
Argentina <sup>a</sup> .....	12,000	.....
Austria.....	5,040	7,620
Algeria <sup>a</sup> .....	1,900	.....
Borneo, British.....	.....	110
Baluchistan.....	.....	82
Belgium.....	330	2,500
Brazil <sup>a</sup> .....	2,200	11,800
Bulgaria <sup>a</sup> .....	190	780
Ceylon, British.....	.....	587
Cyprus (number estimated).....	.....	100
Cape of Good Hope.....	293	2,664
Central South Africa.....	.....	2,655
Canada.....	16,000	3,611
Chile.....	1,453	1,422
China <sup>b</sup> .....	2,870	.....
Colombia.....	210	210
Congo Independent State.....	.....	300
Cuba.....	1,479	.....
Denmark.....	850	1,138
Dutch East Indies.....	656	800
Egypt.....	.....	1,455
France <sup>b</sup> .....	24,500	4,000
French West Africa.....	.....	1,000
Germany.....	2,450	30,354
German Southwest Africa.....	.....	590
Guatemala.....	.....	475
Hungary.....	1,900	9,198
India.....	2,611	24,954
Indo-China, French.....	.....	1,600
Italy <sup>c</sup> .....	1,240	6,600
Jamaica.....	.....	185
Japan.....	.....	4,889
Malay States.....	.....	327
Mauritius.....	.....	131
Mexico <sup>d</sup> .....	6,319	5,890
Natal.....	.....	776
Newfoundland.....	21	683
New South Wales.....	81	3,280
New Zealand.....	113	2,374
Netherlands.....	832	985
Nicaragua.....	20	160
Norway.....	219	1,329
Panama <sup>e</sup> (now owned by United States).....	.....	47
Peru.....	200	846
Portugal.....	955	531
Queensland.....	.....	3,092
Rhodesia.....	.....	500
Roumania.....	.....	2,295
Russia.....	11,452	29,055
Straits Settlements.....	.....	100
South Australia.....	.....	1,895
Santo Domingo.....	62	68
Servia.....	.....	360
Sierra Leone.....	.....	350
Spain.....	8,520	.....
Sweden.....	5,072	2,559
Switzerland <sup>f</sup> .....	.....	2,898
Tasmania.....	168	462
Turkey.....	3,000	425
Uganda, British.....	.....	584
Victoria.....	.....	3,429
Venezuela.....	.....	529
West African colonies.....	.....	417
Western Australia.....	655	1,605
Total.....	114,406	191,150

<sup>a</sup> Government guaranty, subvention, lease—indicating the Government as the initiatory and responsible party.

<sup>b</sup> Lines revert to State under franchises of from thirty to fifty years.

<sup>c</sup> The contracts for the operation of the Italian State railway by private companies, which had been in force since 1885, were terminated by the State on June 30, 1905, and the Government resumed the management of its lines.

<sup>d</sup> The Mexican railways are divided into 5,890 broad gauge and the remainder a gauge of 3 feet and less. The Republic is now acquiring the former in order to promote national commerce and introduce orderly and equitable rates. (See Appendix C 4.)

<sup>e</sup> The only Panama railway, 47 miles in length, is now owned and operated by the United States, the stock of the private owners having been condemned under a recent act of Congress.

<sup>f</sup> In February, 1898, it was decided by a referendum (voting for, 384,382, and against, 170,511) that the railways should be acquired by the Republic.

Analyzing this table, we find that the countries considered are 64; those having publicly owned railroads are 59; those having privately owned railroads are 36. The number having publicly owned railroads exclusively is 29; the number having privately owned railroads exclusively is 5. Of course the table does not include the United States.

Treating Canada, the Australian and African colonies, which are popularly governed, as republics, we have the following distribution of railway ownership in relation to monarchical and republican forms of government: Number of republics having public ownership, 31; number of republics having private own-



ership, 12; number of monarchies having public ownership, 28; number of monarchies having private ownership, 17.

From what has been shown it sufficiently appears that the construction and ownership of railroads is really the business of governments and a function which some fifty-nine out of sixty-four governments have chosen to administer, either in whole or in part, themselves. And in this respect it appears to make no difference whether the form of the government be aristocratic or democratic. A large majority of both kinds of governments—three-fourths of the democracies and about two-thirds of the monarchies—own railroads.

THE CONSTITUTIONAL POWER TO ACQUIRE EXISTING RAILWAYS BY CONDEMNATION.

While with regard to the States it is true, as a general proposition, that this function of government (the construction, condemnation, and operation of railways) appertains to each of them—certainly as to intrastate railways—yet several State constitutions contain prohibitions upon the legislatures appropriating money for railroads or internal improvements. This circumstance would prevent such States from acquiring their railroads until their constitutions would be amended. The situation is different, however, with respect to the General Government. It has been affirmatively decided by the Supreme Court that under the post-road clause and its "plenary power to regulate interstate commerce" Congress has the power to "construct, establish, condemn, and maintain" national railroads from State to State.

In 1888 the case of *California v. The Central Pacific Railroad Company* (127 U. S., 156) was decided. It involved the validity of the old acts of Congress incorporating the Pacific roads. Judge Bradley, speaking for the whole court in that case, said:

The power to construct, or to authorize individuals or corporations to construct, national highways and bridges from State to State is essential to the complete control and regulation of interstate commerce. Without authority in Congress to establish and maintain such highways and bridges it would be without authority to regulate one of the most important adjuncts of commerce. This power in former times was exerted to a very limited extent, the Cumberland or National road being the most notable instance. \* \* \* But since, in consequence of the expansion of the country, the multiplication of its products, and the invention of railroads and locomotion by steam, land transportation has so vastly increased, a sounder consideration of the subject has prevailed and led to the conclusion that Congress has plenary power over the whole subject. Of course, the power of Congress over the Territories and its power to grant franchises exercisable therein are and ever have been undoubted; but the wider power was very freely exercised, and much to the general satisfaction, in the creation of the vast system of railroads connecting the East and the Pacific, traversing States as well as Territories, and employing the agency of States as well as Federal corporations.

In 1892, in the case of *Monongahela Navigation Company v. United States*, the full court again said:

Notice to what the opposite view would lead: A railroad between Columbus, Ohio, and Harrisburg, Pa., is an interstate highway, created under franchises granted by the two States of Ohio and Pennsylvania, franchises not merely to construct, but to take tolls for the carrying of passengers and freight. In its exercise of its supreme power to regulate commerce Congress may condemn and take that interstate highway, etc. It may be suggested that the cases are not parallel in that in the present (a river) there is a natural highway, while in that suggested it is wholly artificial. But the power of Congress is not determined by the character of the highway. They are simply the means and instruments of commerce, and the power of Congress to regulate commerce carries with it power over all the means and instrumentalities by which commerce is carried on.

The Supreme Court made it unnecessary this very year to quote from other authorities to sustain the proposition. In the case of *Wilson v. Shaw*, in advance sheets of the opinion which was published on the 15th of the present month, the court cites the cases I have already quoted from, with a large number of others, and affirmatively declares that the principles they announce are the law of the land.

In *Wilson v. Shaw*, *Wilson* brought suit in the supreme court of the District of Columbia to restrain *Shaw*, as Secretary of the Treasury, from taking any step to effectuate the payment of the purchase money for the Panama Canal and Railroad as had been authorized by Congress. The case reached the Supreme Court of the United States, and the decision was rendered in the present month, Mr. Justice Brewer delivering the opinion for the full bench. I quote briefly from the opinion:

Again—

Mr. Justice Brewer says—

the plaintiff contends that the Government has no power to engage anywhere in the work of construction a railroad or canal. The decisions of this court are adverse to this contention.

And then the court quotes with approval the previous opinion of the court in *California v. C. P. R. R. Co.* that I have already read. The opinion continues:

These authorities recognize the power of Congress to construct interstate highways. \* \* \* Plaintiff recognizing the force of these decisions seeks to obviate it by saying that the expressions were obiter dicta; but plainly they were not. They announce distinctly the opinions of the court on the questions presented and would have to be overruled if a different doctrine were now announced.

*Monongahela Navigation Company v. United States*, from which I have heretofore quoted, is one of the cases thus specifically and emphatically approved; and from the opinion in the latter case I requote a sentence for its terseness and direct application:

In its exercise of its supreme power to regulate commerce Congress may condemn and take that interstate highway, etc.

\*This was the court's view of the power of Congress over an interstate railway extending from Ohio into Pennsylvania. And this was not obiter dicta is declared by the court in its opinion (*Wilson v. Shaw*) that I have been discussing and that was so recently delivered.

UNITED STATES MAY CONDEMN RAILROAD FRANCHISES.

It is clear then that the power of Congress to order the condemnation of existing roads is full and complete. And the courts have gone further. They have conclusively decided that corporate franchises may be condemned and that proceedings for such an end would not conflict with the doctrine of the inviolability of contracts. *West River Bridge Co. v. Town of, etc.* (6 Howard, U. S., 507). And what is of equal importance, of course after the right of the Government to condemn, own, and operate the railroads, is the fact that the Government need not wait on the slow process of condemnation proceedings, the determination of values, and the tender of compensation to bring the different roads into its possession and under its control. Congress may authorize an immediate possession of all or so many of the roads as it may conclude is desirable, by providing a remedy against the Government in behalf of the companies for their just compensation for the property and franchises the Government takes over. This was squarely before the Supreme Court in the case of *Cherokee Nation v. Kansas Railway Company* (135 U. S.). In its opinion the court says:

It is further suggested that the act of Congress violates the Constitution in that it does not provide for compensation to be made to the plaintiff before the defendant entered upon these lands for the purpose of constructing its road over them. This objection to the act can not be sustained. The Constitution provides that private property shall not be taken for public use without just compensation. It does not provide or require that compensation shall be actually paid in advance of the occupancy of the land to be taken. But the owner is entitled to reasonable, certain, and adequate provision for obtaining compensation before his occupancy is disturbed.

To provide this reasonable, certain, and adequate provision for securing compensation to the railway companies is the duty of Congress, and it should be provided in any measure that directs the taking over of the roads.

From these and the other cases I have cited it is clear that Congress has the constitutional power to acquire the railways by condemnation of the property and franchises, to maintain and operate them, and, pending the determination of what will be just compensation to be paid the owners, to take them over and subject them to the Government's will and control.

THE CONDEMNATION OF ROADS WHOLLY WITHIN A STATE.

The question whether it is in the power of Congress to condemn roads wholly within one of the States naturally arises. The power of Congress under the interstate-commerce clause of the Constitution "extends to all the instruments by which interstate commerce is carried on." In this sense there is not a single line of railway that does not exist for interstate commerce. Its charter and physical property may be local and wholly within the State, but its object is a participation in interstate commerce. It is accordingly "an instrument" of such commerce. But if any doubt exists as to the power of Congress to condemn roads wholly within a State under the general powers I have pointed out, together with the interstate-commerce clause of the Constitution, there is still the constitutional provision giving Congress the power "to establish post-roads and post-offices."

In the *Kohl* case I have already cited the Supreme Court held that this post-road and post-office power having been reposed in Congress, Congress could condemn land within the State for post-offices, and that the power of eminent domain appertained to any power or duty of the Government under the Constitution. In that case the Government proceeded to condemn a site for a post-office without resorting to the State courts, but directly through the agency of the Federal courts. In this connection the point to be noticed is this: There is no restriction whatever upon the power of Congress to establish post-roads. The power is granted in the same section with the same words that are used to empower Congress to "establish post-offices." The construction of the part of the clause that relates to post-roads must therefore be identical with the part that relates to post-offices. Congress may, under the express grant of power in the post-office and post-road clause of the Constitution, condemn and operate every intrastate road as a post-road and as an incident of that ownership associate them with interstate roads in moving the commerce and people of the country. Associating the power of Congress under the general one to own

and operate the railroads as public highways, and under the interstate-commerce clause and the post-road clause of the Constitution there is no room to question the right of the Government to condemn, purchase, and operate all railways within the United States, whether they are interstate or wholly intrastate railways.

#### HOW SHALL COMPENSATION BE MADE AND UPON WHAT BASIS?

I now come to two most interesting phases of the question: Upon what basis shall compensation be made and the method of valuation and the matter of securing the funds for payment for the roads.

As to "just compensation" I conclude that its legal definition includes payment for the market value of "franchises." A considerable moral argument might be made against this definition. However, the bill I introduced accepts the legal standard and adopts the market value criterion as the test of railway compensation. It is quite common in condemnation cases to admit evidence of the prices of surrounding land as evidence of the market value of the land in question. This principle of evidence has received final approval by the courts. But in the case of corporations which have issued bonds and stocks, would evidence of the value or price of the same upon the market be admissible in the fixing of compensation? This question, so relevant in this matter, has been before the courts. In the case of *Mifflin Bridge Company v. Juniata County* (144 Pa. St. Reports) the supreme court of Pennsylvania has decided this very point in the affirmative. This method also permits evidence of annual net profits for a series of years (five is the number suggested in the decisions) as some indication of the value of the corporate property.

Manifestly, the owners of the capital invested in the railroads are to be first considered, and the most approved means should be provided to secure to them the "just compensation" guaranteed by the fundamental law. Despite the extreme opinion often expressed because of overcapitalization and fictitious valuations, the capital invested in railways is among the most useful investments, and its owners are morally entitled to the same treatment accorded by the law to the owners of other property. This means that the stockholders, bondholders, etc., ought to receive the commercial or market value of their holdings. It is fortunate for such a large undertaking that the means for accurately and impartially determining the market value of the railroad properties are at hand and so easy of application that the cost of acquisition can be ascertained in advance, within 5 per cent of what should be paid. I mean by this that the value of any given railway may be found any day by computation based on the selling price of its stocks, bonds, and other debentures.

#### ACTUAL VALUE OF THE RAILROADS—HOW ASCERTAINED.

Two serious endeavors have been made by the Government to ascertain the actual value of the entire railroad system of the country, one by the Interstate Commerce Commission and the other by the Census Bureau. The former investigation was made at the request of the United States Senate, and its results are given in the report published as Senate Document No. 178, second session of the Fifty-eighth Congress. It was apparently a most painstaking investigation, and resulted in placing the market value of the roads at about \$9,000,000,000. This was their ascertained value for the year 1900. The report of the Census Bureau was published in 1905. It was compiled mainly by Prof. H. C. Adams, and this indicated the market value in the year 1904 to be about \$11,000,000,000. Let me read them to you:

*Comparative summary of ownership of railway stocks and bonds for the years ending June 30, 1905 to 1900—United States.*

Item.	Amount outstanding.	Owned by railway corporations.	Not owned by railway corporations.
<b>Stocks:</b>			
1905.....	\$6,554,557,051	\$2,070,052,108	\$4,484,504,943
1904.....	6,339,899,329	1,942,858,359	4,397,040,970
1903.....	6,155,559,032	1,798,323,208	4,357,235,824
1902.....	6,024,201,295	1,710,145,344	4,314,055,951
1901.....	5,806,566,204	1,736,067,211	4,069,898,993
1900.....	5,845,579,593	1,470,218,972	4,375,360,621
<b>Bonds:</b>			
1905.....	6,024,449,023	568,100,021	5,456,349,002
1904.....	5,746,898,983	558,472,242	5,188,426,741
1903.....	5,426,730,154	520,068,745	4,906,661,409
1902.....	5,213,421,911	498,373,449	4,715,048,462
1901.....	5,048,811,611	468,830,698	4,579,980,913
1900.....	4,900,626,823	472,831,377	4,427,795,446
<b>Total stocks and bonds:</b>			
1905.....	12,579,006,074	2,638,152,129	9,940,853,945
1904.....	12,086,798,312	2,501,330,601	9,585,467,711
1903.....	11,582,289,186	2,318,391,953	9,263,897,233
1902.....	11,237,623,206	2,208,518,793	9,029,104,413
1901.....	10,855,377,815	2,205,497,909	8,649,879,906
1900.....	10,746,206,416	1,943,050,349	8,803,156,067

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. PATTERSON. Certainly.

Mr. NEWLANDS. I wish to ask the Senator from Colorado whether that valuation was a valuation of the physical properties or whether it was simply an estimate of the value of those properties based upon the market value of the stocks and bonds?

Mr. PATTERSON. It was based upon the market value of the stocks and bonds, which I think is a reasonably safe way of estimating, but certainly the most favorable method for determining the real value of the properties and the franchises.

In reading these tables it will be observed that stocks and bonds of the companies are separated into two classes—those owned by the railway corporations and those not owned by the railway corporations. The significance of this division may not be apparent at first. But reflection will show their importance. For the stocks and bonds given as owned by the railway corporations are the railway securities of one railway company that are owned by another railway company, and the value of the securities so held and owned is represented in the value of the stock and bond issues of the holding companies and should be deducted from the aggregate value of the stock and bond issues of both companies. This would be necessary to avoid a duplication of values. This practice of intercorporate ownership of stock issues is sometimes carried to the third and fourth degree, so that if the separate issues are merely added together a quadruplication of values would result. The statistician of the Interstate Commerce Commission, from whose report for 1905 the table I have quoted is taken, has therefore properly deducted from his aggregate the gross amount of securities owned by the railways themselves. The real total of railway value, as nominally represented by the certificates of stocks and bonds outstanding against our railways is, then, the amount set forth under the headline, "Not owned by railway corporations."

#### THE TOTAL RAILWAY MILEAGE.

From the documents I have mentioned I find the following: That in 1905 the total mileage of railways in the United States was 216,973; that the market value of the railways in the same year was \$9,940,853,945. If we add to this total the amount of current liabilities of the railways, which were at that time \$1,221,252,027, we have a compensation to be paid so full and fair that the most ardent champions of justice to the corporations can not complain of it. I would supplement this statement with the suggestion that including the same elements of value as in the computation of "just compensation" in the year 1905, the "just compensation" in 1900 would have been \$9,163,170,382.

In view of the general misapprehension as to the commercial or marketable value of our railways it will not be amiss to call attention at this point to the Census Bureau table (Bulletin No. 21), which gives the commercial or market value of the roads by States, the number of miles of single track, the average value per mile, the value placed upon the roads for taxation purposes, and ratio of their assessed taxable value.

*Table, by States, etc., of mileage and commercial and taxed value of the railroads.*

State, Territory, or District.	Commercial value.	Number of miles of single track.	Average value per mile.	Assessed for taxation.	Ratio of assessment to commercial value.
United States.....	\$11,244,852,000	213,932.13	\$52,600		Per cent.
Alabama.....	150,211,000	4,689.35	32,200	\$53,926,026	35.9
Arkansas.....	124,626,000	4,126.44	30,200	34,709,623	27.8
California.....	350,694,000	6,262.54	56,000	92,378,550	26.3
Colorado.....	198,261,000	4,976.24	39,800	49,492,135	25.0
Connecticut.....	105,369,000	1,017.72	103,500	120,493,648	114.4
Delaware.....	17,285,000	335.93	51,500		
Florida.....	80,467,000	3,555.84	22,600	21,817,478	27.1
Georgia.....	156,603,000	6,304.72	24,800	63,105,810	40.3
Idaho.....	91,877,000	1,461.53	62,900	10,115,378	11.0
Illinois.....	805,057,000	11,622.74	69,300	425,709,055	63.8
Indiana.....	375,541,000	6,917.85	54,300	165,863,367	44.2
Iowa.....	344,847,000	9,859.23	35,000	57,535,160	16.7
Kansas.....	356,856,000	8,811.43	40,400	60,093,534	16.9
Kentucky.....	155,772,000	3,253.00	47,900	77,658,040	49.9
Louisiana.....	123,401,000	3,898.74	31,600	29,044,195	28.9
Maine.....	80,146,000	2,021.58	39,600		
Maryland.....	132,342,000	1,421.10	93,100		
Massachusetts.....	250,052,000	2,118.75	118,000		
Michigan.....	277,597,000	8,660.29	32,100	196,795,000	70.9
Minnesota.....	466,734,000	7,811.04	59,800		
Mississippi.....	107,884,000	3,480.25	31,000	29,847,640	27.7
Missouri.....	309,768,000	7,711.05	40,200	97,916,869	31.6
Montana.....	196,209,000	3,267.10	60,100	36,759,827	18.7
Nebraska.....	263,170,000	5,820.88	45,200	46,082,853	18.5
Nevada.....	43,745,000	986.56	44,300	13,778,049	31.5
New Hampshire.....	79,786,000	1,275.97	62,500	22,625,000	28.3



Table, by States, etc., of mileage, etc.—Continued.

State, Territory, or District.	Commercial value.	Number of miles of single track.	Average value per mile.	Assessed for taxation.	Ratio of assessment to commercial value.
	Dollars.		Dollars.	Dollars.	Per cent.
New Jersey.....	333,568,000	2,277.85	146,400	231,655,525	69.5
New York.....	898,222,000	8,297.29	108,300	229,582,064	25.6
North Carolina.....	113,146,000	4,075.00	27,800	69,480,974	61.4
North Dakota.....	123,350,000	3,190.77	38,700	22,160,304	18.0
Ohio.....	689,797,000	9,156.88	75,000	133,858,945	19.4
Oregon.....	75,661,000	1,736.84	43,600	.....	.....
Pennsylvania.....	1,420,608,000	11,023.24	128,900	.....	.....
Rhode Island.....	25,719,000	211.89	121,400	15,832,003	61.6
South Carolina.....	75,500,000	3,175.28	23,800	29,467,716	39.0
South Dakota.....	49,646,000	3,047.14	16,200	14,354,930	28.9
Tennessee.....	131,166,000	3,480.83	37,700	58,536,566	44.6
Texas.....	237,718,000	11,848.03	20,100	95,209,785	40.0
Utah.....	90,325,000	1,779.69	50,800	20,682,461	22.9
Vermont.....	37,311,000	1,063.25	35,100	27,344,020	73.3
Virginia.....	221,315,000	3,932.33	53,700	63,269,623	37.7
Washington.....	182,337,000	3,355.83	54,500	26,066,949	14.3
West Virginia.....	201,799,000	2,836.83	71,000	28,771,358	14.2
Wisconsin.....	284,510,000	7,048.76	40,400	218,024,900	76.6
Wyoming.....	100,307,000	1,247.70	80,400	7,498,232	7.5
Alaska.....	100,000	27.79	3,600	.....	.....
Arizona.....	68,355,000	1,751.35	19,000	6,667,349	9.7
District of Columbia.....	5,578,000	32.00	174,300	2,486,024	44.6
Indian Territory.....	79,405,000	2,532.00	31,400	.....	.....
New Mexico.....	86,400,000	2,504.66	34,500	8,511,538	9.9
Oklahoma.....	78,668,000	2,611.03	50,100	11,936,317	15.2

## HOW THE RAILROADS CUT DOWN VALUE OF THEIR ROADS WHEN LISTED FOR TAXATION.

But this table is well worth careful study. It not only gives the facts I have before mentioned, but it serves to show the effectiveness of railroad influence over local public officials and the special favors it is able to secure from them, for in many of the States the value fixed upon railroad property for taxation purposes is less than 20 per cent of the market value of the property. In Idaho, for example, it is but 11 per cent; in Nebraska, but 19.5 per cent; in Wyoming, but 7.5 per cent; in Oklahoma, but 15.2 per cent; in Washington, but 14.3 per cent; in North Dakota, but 18 per cent; in Colorado, but 35 per cent; in New York, but 25.6 per cent, and in Iowa, but 16 per cent.

## HOW THE PURCHASE OF THE ROADS MAY BE FINANCED.

The question that next arises, and one that has presented the greatest obstacle to many who on principle favor Government ownership, is the feasibility of financing so stupendous an undertaking. Eleven or twelve billions of dollars is no inconsiderable sum for even as great and prosperous a nation as the United States. But much of the difficulties will disappear if, primarily, it shall be kept in the mind that the operation is not one that requires the raising of eleven or twelve billions of new capital, but that it, in the main, but involves a substitution or exchange of securities. It may be safely estimated that eight or nine tenths of the holders of railway securities will really welcome the substitution of bonds issued by the Government and secured not only by the national faith, but, in effect, by a mortgage upon the railroads and a pledge of their net revenues to pay them off, principal and interest. Indeed, pretty nearly a necessity would exist compelling these holders to take the bonds, arising from the very great difficulty that would be found in seeking satisfactory investments for the money the Government would otherwise pay. A mortgage of the railroads, backed by the guaranty of the Government to the new bondholders, would furnish an element of security for the bonds that no other form of debentures, public or private, would possess. With the element of prompt payment certain in the highest degree, the exchange of railway securities at the price levied by the appraisers of the railway property for a like amount of these new Government bonds would possess a charm that few of the great holders of railway securities could resist. But quite independently of the suggested exchange, should the money be necessary the security offered by such Government bonds would make them the very best securities in which to invest that could be placed upon the market. Then what rate of interest should such bonds draw to give them the element of preference I have suggested? If a rate of interest can be set that would secure a permanently stationary condition at par, the transaction would be an ideal one; but as such an achievement is impossible as to any form of security, it remains to determine the rate of interest that would secure absolute justice to the railways at the time of their acquisition.

It will be claimed that to increase the public debt the amount necessary to take over the railways would lessen the value of the bonds unless a far higher rate of interest than the present average Government rate was to be paid. But I submit that

such can not be the case. In view of the proposition to treat the railways as mortgaged to the new bondholders it is inaccurate to consider the bonds as an incumbrance upon the national credit or as a real addition to the national debt. The pledge to the holders of our outstanding Government bonds are the revenues of the country. The pledge to the holders of the new bonds would be the net revenues derived from the operation by the Government of the railways, plus the surplus Government revenues, should there ever be deficiency in the former. The per capita debt of Great Britain—nearly \$4,000,000,000—is \$92.64. The per capita debt of France, including obligations for railways it has taken over—nearly \$6,000,000,000—is \$150. The per capita debt of the United States—\$1,000,000,000 of debt—is but \$11.91. Should we add to this debt the entire cost to the Government of the railways—\$11,000,000,000—it would make the per capita debt of the United States but \$128. Yet Great Britain's bonds bear  $2\frac{1}{2}$  per cent interest, and France's, 3 per cent. Does it not follow that 3 per cent interest upon the new issue of bonds would sell them readily at par? Indeed they would likely command a slight premium. I deduce, therefore, that these bonds should bear interest at 3 per cent. France, with a per capita debt of \$150, borrows money at 3 per cent, and Great Britain, with a per capita debt of \$90, borrows it at from  $2\frac{1}{2}$  to  $2\frac{3}{4}$  per cent. Why, then, should not a per capita debt of the United States of but \$128 float the bonds that represent it and that draw 3 per cent readily at par? And would not 3 per cent bonds, guaranteed, as would be the railway-purchase bonds, prove an irresistible attraction not only to the present holders of railway securities, but to uninvested capital the world over?

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. PATTERSON. For a question.

Mr. NEWLANDS. I should like to ask the Senator whether it would not add to the simplicity of the plan which he presents if, instead of immediately taking over the bonds, which aggregate about \$6,000,000,000, the Government should take over only the stocks, which would involve an expenditure of only \$5,000,000,000, leaving the bond issues to be retired later on as they mature by new bonds at lower rates of interest?

Mr. PATTERSON. That is a mere matter of detail, and would be simply the exercise of a sound judgment as to which plan should be pursued. So far as I am concerned, I am not a stickler for any particular method. I have simply endeavored to demonstrate that the financing of the scheme to take over all of the railroads of the country is entirely feasible, and that it would not embarrass the financial affairs of the Government or the business of the people in the slightest degree in so doing.

## GOVERNMENT OWNERSHIP WOULD NOT RESULT IN A POLITICAL MACHINE.

I think I have demonstrated that there would be no difficulty in financing the taking over of the American railroads. Let us suppose the American mind is ready to require the step to be taken. To very many the greatest obstacles arise when it has been accomplished, for these profess to believe that railway employees would be organized into an immense political machine, and that either party, once in power, would by its aid manage to remain perpetually in power. I see no such danger. Quite independently of every other consideration, when the American people make up their minds that railway ownership must come they will also have made up their minds that the railways shall be operated for the people and not for any political party, and when the people really make up their minds that certain things shall be such things are brought about and they continue as the people want them. It is absolutely certain that in the organization of the machinery to conduct the vast public work of operating the railroads the people would see that the plan of organization was for their benefit and not to make the railroads an annex to a political party.

In the bill I introduced the scheme of such an organization is outlined. It was so outlined not as the perfection of organization for such a purpose, but to show how readily Congress could provide an organization from which the political element was eliminated, so as to be a mere negligible quantity and to effectuate the ends that would be sought by the people.

## PROPOSED ORGANIZATION AND DISTRIBUTION OF POWERS.

Having considered the means essential for acquiring the railways, I now take up the organization that would be proper for their operation under national auspices. Of course, what I suggest is tentative—only the suggestion of a plan that I believe would prove effective, both for the satisfactory operation of the roads and to prevent their prostitution to political ends.

Let it be premised, however, that at the beginning no radical change should take place. The rates, rate making, fiscal, legal,

and operating departments would continue until gradually supplanted by more efficient successors. It might be impracticable and unwise to start a complete system of novelties, however sound in themselves, until the old servitors had been thoroughly initiated into their meaning and practice. Thus the classification, passenger, express, postal, and freight rates then existing might continue until ordered changed by the division having power over these subjects; and, in like manner, official duties, regulations, and hours of labor would remain the same as before, subject to alteration by the division of transportation.

It is provided in the bill that the entire power to determine rates and classification be reposed in the Interstate Commerce Commission. This embraces the fixing of express charges, the charge for carrying the mails, passenger rates, and the freight tariffs and classification for the whole country. This Commission, composed of seven members, is perhaps the best informed combination of men in the world on this subject, and has enjoyed a continuous experience with it for nearly twenty years. While there are now multitudinous and confusing classifications of freight, where it is conceived one would suffice, and a hundred thousand different rate schedules filed each year, when it is believed a simple system might be substituted covering the country, yet it is not expected that the Commission will proceed in a hurry to amend all these. Time and great care will be required so as not to jeopardize important interests, and this prudence the Commission may be relied upon to realize.

The establishment of the zone idea, as adopted in other countries, will in all probability be the ultimate method of dealing with the freight and passenger traffic. And this zone order of things already exists in embryo to some extent in relation to our freight traffic.

This commission would continue to be selected as now, at a salary increased in proportion to the increased importance of its duties. The commission should be given exclusive jurisdiction to determine rates, but with the command imposed that rates shall be equal to all persons and places under similar circumstances and against rebates, preferences, and discriminations.

#### DIVISION OF TRANSPORTATION.

Then there should be established a division of transportation, to which should be consigned the actual operation of the railways, the formulation of rules for administration, to fix wages, assign duties, and adopt plans for the selection of employees, and for all other regulations defining the relations of servants in the organization.

The country might be divided geographically into ten or more groups of States, and the division of transportation should consist of one director from each of the groups, with a chief director selected at large. All should be citizens who had not less than ten years' experience in practical railway superintendence. The first set of directors would be appointed by the President, by and with the advice and consent of the Senate, and the tenure of office should be as many years as there are groups of States. If ten groups, for ten years; if twelve, then for twelve years. Of the first board the term of one director should expire in one year, and of another in two years, and another in three, and so on throughout the list. This would provide for but one new member of the board each year, so that its personnel could not be assailed with each recurring administration nor revolutionized in any one administration. And the successors should all be appointed from a superior efficiency list to be provided by the directory from among those in the service, the standard of efficiency being supplied by the directory. A merit system with provisions for preserving the record of each employee might be established; promotions to be given to those having the best record. The directory should be equally divided between the two political parties, and the terms should be so arranged as that the expiration of the terms would alternate between the members of the two parties. With some such organization and regulations and with additional proper civil-service rules the administration of the railroads would be altogether eliminated from political influences and the army of employees be left free to vote according to their party affiliations. The plan suggested would not interfere with the functions of Congress. Its duties are not administrative. In fact, so large, so differently composed, and so multifariously employed is Congress that it could not, in the nature of things, be considered in the light of an administrative body. Its functions are legislative, and not administrative.

#### THE REFORMS THAT WOULD FOLLOW.

Mr. President, unless government ownership of railroads and efficient management is to result in substantial benefits to the country, the change would be useless. I need not say that the advocates of the change maintain that it would vastly improve

the moral tone of the nation by eliminating the subterfuge, the frauds, and gross injustice now almost universally associated with the railroad business. It would result in economies so great that freight rates should be largely reduced and passenger rates be substantially cut in two. It would permit the enlargement and extension and, in certain classes of postal matters, the great cheapening of the postal service, while it would eliminate that hobgoblin of a postal deficiency always invoked to balk the efforts of those who stand for advanced postal reform. It would secure a system of postal express with reduced rates, based upon the different distances. It would provide for the safety of the traveling millions of the country, as well as for those who operate the trains, the speedy adoption of every approved safety appliance to cars, engines, tracks, and yards, and the best systems for the prevention of collisions between trains in movement. Grade crossings would be abolished and overhead or tunnel crossings of every public highway adopted in their stead. It would result in a pension system that would keep the wolf of want from the doors of faithful employees when they reached the pension age; it would bring about laws under which those injured by accident in service and the surviving dependents of those who might be killed would be compensated upon a just and scientific basis. The construction of new lines in the past has from necessity been sporadic—the motives for construction being wholly private—which has led to duplication and triplication of lines, affording some points and sections accommodations far beyond their needs while others were left without railroads at all adequate for their wants. This want of system in construction, so fraught with favoritism and injustice, would be replaced with provisions for line construction and extension at once just and adequate. It would insure efficiency in service, an adequate supply of cars and motive power; it would render almost impossible the national blockade of traffic that this present winter tied up so much of the vital business of the country and brought extreme want and suffering, especially to the inhabitants of the Northwest, where the railroads abandoned the people to the frightful cold of the blizzards and left them without sufficient fuel and other necessities of life.

We would have the substitution of stable capital, represented by Government bonds, in the place of private and precarious securities, the issues of which resemble more the marked cards of the gambling table than safe investments of the country's capital.

There would follow the eradication from our public life of railway politics and the reestablishment of that equilibrium of power between the States, the Government, and their peoples which obtained in the early history of the country, restoring to both State and national agencies of government their constitution's supremacy in the regulation of the public relations of our citizens.

Nearly all the above results have attended the public ownership of railways in Belgium, Austria, Germany, and the Australasian colonies, and with the conceded superior efficiency of the American worker are, I believe, certain to follow the introduction of that method of ownership here.

#### WHY REGULATION OF RAILWAYS MUST PROVE A FAILURE.

Mr. President, I suggested when I commenced my remarks that I would point out why the legislation of last session amendatory of the interstate-commerce act must prove a grave disappointment to the people. On the one hand, while the Committee on Interstate Commerce was taking testimony in the recess before the last session convened, the consensus of railway opinion was that the amendments proposed would result in serious loss of revenues to the companies, a great depreciation in their securities, and, finally, by sympathetic process, affright investors at large, with consequences of general business depression. The markets since the law went into effect have dispersed these expressed fears, and railway securities sell as well now or better than before the passage of the act. On the other hand, the people at large were somehow or other led to expect that with the law upon the statute books the country would possess a complete scheme of relief from the evils they had been enduring, and that the Government would be found at every depot insuring them just rates and the necessary accommodations. This, too, has proved to be a delusion, and it is impossible that it should have proved otherwise. That these expectations are and must continue groundless under prevailing conditions can readily be made apparent. I will epitomize some practical demonstrations of this that have been suggested by a friend from Maryland.

A shipment of freight—

He writes—

consigned from Cumberland, Md., to Tyrone, Pa., must traverse the railways of three different companies, the Western Maryland, the Penn-



sylvania Railroad, the Huntington and Broadtop, in a journey of 100 miles on a noncompetitive route. Let it be premised now that the Government, when called upon by a complaining shipper to "regulate" the rate complained of, can not do it as it pleases, but can fix only that rate which will yield a fair return to each of the three companies after paying the cost of transport, taxes, etc. Now, it being required to know what a just rate is, we must ask and answer the following questions: What is the character of the goods to be shipped with regard to hazard of travel? To what class shall it be consigned? The number of miles in each road? What is the value of each road traversed? What did it cost each road to haul the shipment? What proportion is the latter to the cost of the whole operation of the road? What proportion of the whole rate should be paid to each road? What is a fair return on the capital invested in each road? What was the actual amount invested by each road? What are the proper terminal charges at points of consignment and destination? What sum must be allowed for depreciation of railway property? Perhaps as many other equally pertinent questions can be added, but it is not too much to say that it would take three months' litigation in a contested case to answer the above questions and when answered the verdict would be so far from accurate that either the shipper or the railways would be wronged.

Now, furniture is but the representative of one class, and there are eight subclasses. When the above questions have been investigated for that class they would still have to be gone over again for each other class. And when conclusions as to rates between Cumberland and Tyronne had been reached sufficiently obvious to pass the courts, would the problem be solved? On the contrary, the whole United States would remain open for like litigation. There are rates, just or unjust, on every article of commerce between every shipping point reached by the railways to and from and every other railway point. Taking Cumberland for the point of consignment, the Government may be called upon to regulate rates on the different classes over even more connecting railways to every other railway station outside of Maryland. And when this task were accomplished, a task impossible to execute in detail, the work would have just begun. The shipper from each other town and village might demand the enumeration of a list of rates to every other freight station in the Union—as President Stickney said, "four and a half billion rates," a system of tariffs requiring omniscience to formulate and nothing less than omnipotence to enforce.

It is not meant that the above condition is actually before us. What is meant is that the full theory of government regulation of the rates exacted by private railway companies involves such a process by the Interstate Commerce Commission subject to reexamination and approval by two successive appellate courts. The common notion that the Government will or can insure the shipper a reasonable rate must be treated as erroneous. Indeed, it may be safely asserted that no considerable proportion of railway rates are accurately investigable under any methods known to the law, since there is no *general basis* applicable to the diverse rights and interests entitled to "due process of law" under the present conflicting ownerships.

#### HOW GOVERNMENT OWNERSHIP WOULD SIMPLIFY RATE MAKING.

Mr. President, take the converse of this under government or unified ownership. That impediments to the speedy and permanent settlement of rates would vanish is the corollary of unified ownership.

To illustrate this I quote from a recent work of Professor Parsons, of Boston. Discussing the rate systems employed in Germany under government ownership, he says:

The basic tariff is contained in a small pamphlet less than an eighth of an inch thick—in fact, the gist of it all, for both express and freight, is in two or three pages. The essence of the tariff system could be printed on one page of this book, and after a five minutes' explanation you could find for yourself the Prussian rate on any ordinary shipment either by freight or express. Cost of service, distance, the zone principle and tapering rates, the flow of traffic, utilization of car space, market conditions, what the traffic will bear, are all considered in making rates. The same general elements enter into the problem as in the case of private railways, which also have to consider cost, distance, market conditions, what the traffic will bear, etc., but the state railways deal with these elements in the light of the public interest, and come to their conclusions on that basis, while the companies consider the question in the light of their own profit and decide upon that basis.

#### NEED NOT PREVENT PRIVATE RAILROAD CONSTRUCTION.

It must not be understood that, Mr. President, government ownership of the roads would necessarily put a stop to railroad construction by private capital under public authority. The bill I introduced provides for private initiative and permits corporations to construct new lines that may connect with the Government system upon such terms as may be agreed upon, the directory reserving the right after a stated period to acquire the road at the cost of construction with a fair interest upon the capital invested. I believe that this authority would result in road building where the Government might not be willing to immediately venture. In any event it permits the play of the two systems—public and private—the Government, however, always maintaining over the private lines its right to take them over.

#### FOUR NATIONAL RECRUITS TO GOVERNMENT OWNERSHIP.

Mr. President, in this, as in every other great reform, there is a constant movement; but the changes are all from private to public ownership of the roads. Since the reform was undertaken there has been no backward movement in any part of the world. National recruits to the ranks of government ownership are constantly arriving. Within the past five years Switzerland, Mexico, Italy, and Japan have joined the public-ownership

ranks. These countries found the evils with which we are contending unendurable, though their regulatory control of the railroads was much more stringent than any we have adopted. Yet they would no longer submit to the evils the private-ownership system imposed. They had tried every means to overcome them and to materially mitigate them; but finding their efforts foiled by the companies, they applied the supreme remedy. It required courage and steadfastness in those countries to carry the reform. Have the people of the United States less courage and less steadfastness than those of the countries that so recently threw off the yoke of railroad bondage?

Mr. President, the literature upon this subject is informing the country with its swelling volume. Intuitively now the patrons of railways turn to public ownership as their relief from the burdens that private ownership imposes upon them. Magazines, weekly papers, and the daily press find that their readers want to learn about it, and to satisfy them a considerable space of their publications must be devoted to its discussion. Whoever has his interest aroused may find in any public library works going into the details of every feature of railway service and public ownership—this in addition to the educational features of current periodical literature. Therefore there is no need for me to occupy time in giving greater details. I have contented myself with a presentation of the fundamentals of the question, making them, I hope, clear to the average mind. If I have accomplished this even measurably, I am content with the results accomplished.

Mr. President, until public ownership comes the country must expect and submit to unjust rates and to favoritism and extortions in connection with the country's transportation. Private ownership now amounts to a monopoly in private hands of all the highways of commerce, a monopoly that absorbs an unjust proportion of the country's wealth. Injustice to shippers and communities is inherent in private railway management and the most stringent laws for remedying the evils must necessarily fail in accomplishment of any but minor results. Here and there some relief will be afforded, but the great and growing body of the evil will continue and increase. Overcapitalization, the watering of stocks, and manipulation of the markets which swell the capitalization upon which the people must pay the dividends and interest will remain a manacle upon the limbs of commerce. Government by and for the railroads will flourish throughout the land, and what was said by Wendell Phillips years ago is as true now as it was when it was spoken: "The railroad magnate goes through the country with three hundred millions at his back and every legislature in his path gets down on its knees before him." The power of these railway potentates has not diminished with the passing of the independent railroad and the consolidation of all the lines under half a dozen managements with these managements combining to thwart the Government and mold it to their ambitions. Wherever you go, whether to the national capital or to the capitals of the States, there you find powerful railway lobbies binding those elected to serve the people to the railroads' will. California is held in the grip of the Southern Pacific, Kansas submits to the Santa Fe, most of the New England States bow to the Boston and Maine and the New York, New Haven and Hartford, while New York—the great Empire State—asks the New York Central what may be its pleasure. Now and then, by mighty effort, a State temporarily escapes from the railroad yoke, but after a while the railroads pad the yoke though the law of the yoke may remain untouched. These mighty combinations throw their black shadows over every important political convention; they put their guardians in governor's offices and in every legislature; they pollute the Halls of Congress and the public believe they turn many who were elected to serve the public from their duty to their country with the clenched fist and the seductive bribe. This deadening influence extends from the top to the bottom of our political system. Now and then the people of the States elect a Cummins, a Boies, a Van Zant, or a Folk, and the people of the country sometimes elect a Roosevelt. But as a rule even these popular victories do not permanently loosen the railroad grip. The people sleep, but the railroads never. Created ostensibly to serve the people, they hold the people as their enemies and are forever plotting to circumvent and subdue them.

Mr. President, the Government ownership and management of railways carries with it, in my humble opinion, great and broad commercial and moral reforms. The people's ideal of government and governmental duty and responsibility will be immeasurably heightened with its adoption. A free people always advance in moral stature as their duties multiply and their responsibilities broaden. Devolve upon such people in this intensely material age the obligations through the Government

to manage and control the vast system of railways over which the country's products must be transported, an operation that affects the people in every phase of their worldly activities, and the strength, the courage, and the thought of the people are deepened and broadened, while it inspires them with a better and more patriotic citizenship. But the moral fiber of the people will not alone be strengthened—there will come a material improvement that will add substantially to the worldly possessions of the masses. One of the chief agencies through which the immense fortunes that threaten the country will be eradicated and much more of the proceeds of the toil of the workers will reward their industry and add pleasure to their labors. The Government may then truly develop into one of the people, by the people, and for the people; for the vast power and wealth of the railroad corporations will be withdrawn from the political field and the people will have disposed of one of the greatest and by far the most powerful of the enemies to free government that are unceasingly at work undermining our free popular institutions.

Mr. President, there is no mistaking the trend of the popular mind toward the great reform. The experiences of every other country with government ownership of railroads is a preachment in its behalf; the very highest economic authorities support it; the tides of civilization are moving and bearing it upon its crest. It is the bridge over which strife and oppression and danger to our free institutions will cross from our country into outer darkness and upon which cooperation, harmony, and greater material prosperity will enter. Speaking for myself, Mr. President, I will welcome the day when government ownership of the railroads becomes an accomplished fact, believing, as I do, that it will prove to be one of the chief foundation stones of our governmental superstructure, upon which greater and more widely distributed wealth, a higher civilization, and better American patriotism will safely rest.

## APPENDIX.

Comparative summary of passenger and freight service for the years ending June 30, 1905 and 1901.  
[Interstate Commerce Commission Report.]

Item.	1905.	1901.
Passengers carried:		
a. Number of passengers reported as carried.	788,834,667	607,278,121
Passengers carried 1 mile.	23,800,149,436	17,353,588,444
Passengers carried 1 mile per mile of line.	109,949	89,721
Tons carried:		
a. Number of tons reported as carried.	1,427,731,905	1,059,226,440
b. Number of tons reported carried, excluding tonnage received from connecting roads and other carriers.	784,920,188	583,692,427
Tons carried 1 mile.	186,463,109,510	147,077,136,040
Tons carried 1 mile per mile of line.	861,396	760,414
Passenger-train mileage.	459,827,029	385,172,567
Average number of passengers in train.	48	42
Average journey per passenger, miles.	32.21	23.58
Freight-train mileage.	546,424,405	491,942,041
Average number of tons in train.	322.26	281.26
Average haul per ton:		
a. Typical haul of the average railway, miles.	130.60	135.03
b. Typical haul of all the railways regarded as a system, miles.	237.56	251.98
Total revenue-train mileage.	1,038,441,430	908,092,818
Total mileage of freight cars.	15,082,070,763	12,811,211,703

Year.	Gross earnings.	Operating expenses.	Net profits (deduct taxes).	Taxes.
1905	\$2,082,482,406	\$1,391,214,670	\$691,257,736	\$63,474,679
1904	1,975,174,091	1,339,349,594	635,824,497	61,696,354
1903	1,900,816,907	1,257,538,852	643,278,055	.....
1902	1,723,850,267	1,116,248,747	610,181,520	.....
1901	1,588,526,037	1,030,397,220	558,128,817	.....
1900	1,487,044,814	961,428,511	525,616,303	.....
1899	1,313,610,118	856,968,999	456,641,119	.....
1898	1,247,325,621	817,973,276	429,352,345	.....
1897	1,122,089,773	752,524,764	369,565,009	.....
1896	1,150,169,376	772,989,044	377,180,332	.....

Source of income.	Gross amount.		Proportion to total earnings, 1905.
	1905.	1904.	
Passenger revenue	\$472,694,732	\$444,325,991	22.70
Mail	45,426,125	44,499,732	2.18
Express	45,149,155	41,875,636	2.17
Other earnings, passenger service	11,040,142	10,914,746	.53
Freight revenue	1,450,772,838	1,379,022,693	69.67
Other earnings, freight service	5,080,266	4,568,282	.24
Other earnings from operation	52,319,148	49,986,011	2.51
Total earnings	2,082,482,406	1,975,174,091	100.00

Comparative summary of employees, by class and per 100 miles of line, for the years ending June 30, 1905 and 1895.

Class.	1905.		1895.		Compensation.		Total wages, 1905.
	Num-ber.	Per 100 miles of line.	Num-ber.	Per 100 miles of line.	1905.	1895.	
General officers	5,536	2	5,407	3	\$11.74	\$9.01	\$15,155,278
Other officers	5,706	3	2,534	1	6.02	5.85	11,599,169
General office clerks	51,284	24	26,583	15	2.24	2.19	37,445,570
Station agents	35,245	16	29,014	16	1.93	1.74	23,112,137
Other station men	125,180	58	73,569	41	1.71	1.62	67,012,465
Enginemen	54,817	25	34,718	20	4.12	3.65	70,626,750
Firemen	57,892	27	35,616	20	2.88	2.05	41,701,463
Conductors	41,061	19	24,776	14	3.50	3.04	44,758,533
Other train men	111,405	51	62,721	35	2.31	1.90	77,416,200
Machinists	47,018	22	27,740	16	2.65	2.22	37,495,267
Carpenters	56,089	26	35,564	20	2.25	2.03	36,501,025
Other shopmen	176,348	81	88,661	50	1.92	1.70	101,164,035
Section foremen	38,217	18	29,809	17	1.79	1.70	23,041,754
Other trackmen	311,185	143	155,146	87	1.32	1.17	103,413,280
Switch tenders, crossing tenders, and watchmen	45,532	21	43,158	24	1.79	1.75	22,355,957
Telegraph operators and dispatchers	31,963	15	20,984	12	2.19	1.98	22,638,034
Employees (account floating equipment)	8,753	4	5,779	3	2.17	1.91	5,612,076
All other employees and laborers	178,965	82	83,355	47	1.83	1.65	94,895,687
Total	1,382,196	637	755,034	441	.....	.....	839,944,680

Comparative summary of results deduced from Table III and Table IV for the years ending June 30, 1905 to 1895—United States.

Item.	1905.	1904.	1903.	1902.	1901.	1895.
Revenue per passenger per mile.	\$0.01962	\$0.02006	\$0.02006	\$0.01986	\$0.02013	\$0.02040
Revenue per ton of freight per mile.	.00766	.00780	.00763	.00757	.00750	.00839
Revenue per train mile, passenger trains.	1.15954	1.14135	1.11644	1.08531	1.02721	.97870
Revenue per train mile, freight trains.	2.49689	2.42703	2.43967	2.27093	2.13212	1.61190
Revenue per train mile, all trains.	1.97906	1.93900	1.91380	1.82350	1.72988	1.37723
Average cost of running a train 1 mile, all trains.	1.32140	1.31375	1.26604	1.17960	1.12292	.93029

## ECONOMIES CONSEQUENT UPON UNIFIED OWNERSHIP.

[By David J. Lewis, esq., of Cumberland, Md.]

A casual view of the operations of our railways under private auspices brings to light conditions replete with economic waste. In the passenger service the late John K. Cowen, president of the Baltimore and Ohio Railroad Company, when speaking of the advantages to the railways of a pooling bill, instanced the traffic between Cincinnati and Columbus. He stated that between these cities three companies each ran six trains a day each way, or nominally thirty-six trains in all; that if the roads were allowed to pool the thirty-six trains could be reduced to eighteen, and running them at different hours the accommodation to the public would be really doubled. The same waste is observed in the freight traffic, in the circuitous routing of freight consequent upon competitive hauling. Professor Ripley, of Harvard, in his book *Railway Problems*, gives the following as a few of the instances of freight being hauled on the longest instead of over the shortest routes.

Chicago to San Francisco, via New Orleans.  
San Francisco to Omaha, via Winnipeg.  
One hundred all-rail lines between New York and New Orleans.  
Shortest route, 1,340 miles; longest, via New Haven, Ind., 2,051 miles.  
Chicago to Sioux City, Iowa, via St. Paul.  
Chicago to Fort Dodge, Kans., via Des Moines, Iowa.  
Chicago to Springfield, Ill., via St. Louis.  
Rochester to St. Louis to Minneapolis to California, via New York City.  
New York to Salt Lake City, via San Francisco.  
Chicago to San Francisco, via Shanghai, China.  
Liverpool to New York City, via Montreal and Chicago.  
From Illinois to California, via Canada.  
From Illinois to New Jersey, via Canada.  
From Illinois to Pennsylvania, via Canada.  
From Kentucky to Pennsylvania, via Canada.  
From Kentucky to New York, via Canada.  
From Missouri to Pennsylvania, via Canada.  
From Pennsylvania to Missouri, via Canada.  
From New York to Kentucky, via Canada.  
From New York to Missouri, via Canada.  
From New York to Tennessee, via Canada.  
From Ohio to Pennsylvania, via Canada.  
From Pennsylvania to Ohio, via Canada.  
From Ohio to New York, via Canada.  
From New York to Ohio, via Canada.

And President Ramsey, of the Wabash, stated before Senate committee that as much as 57 per cent of the traffic between Pittsburgh and Philadelphia might be made take a 700-mile roundabout haul.

Besides the above, the necessity for the expenditure of numerous other items would pass away with private ownership, notably the pass system, under which probably 15 per cent of the passenger traffic of 1905 was carried. C. P. Huntington stated before the United States Industrial Commission that the local wastes of New York City alone amounted to a hundred millions in a year; and English railway authorities, such as the secretary of the London and Northwestern Railway, the Lancashire and Yorkshire, and Sir Edwin Chadwick, have estimated the wastes in the country at 24 per cent, although in England there is relatively little competition as compared with the United States.



Professor Newcomb, then editor of the *Railway World*, in view of these conditions, was led to say:

"The economic advantages of absolute unification are so great that it may be expected that the movement will not cease until unification has been completely accomplished."

Coldly regarding the subject and with no disposition to magnify figures, the following are submitted as economies easily practicable under a single national ownership:

Switching charges balance.....	\$4,201,050
Car per diem and mileage balance.....	18,835,325
Hire of equipment balance.....	3,040,641
Advertising.....	5,959,380
Outside agencies.....	19,688,261
Commissions.....	233,987
Rents for tracks, yards, and terminals.....	23,947,881
Rents of buildings and other property.....	4,814,407
Half insurance.....	3,442,966
Add interest saved on capital.....	226,151,322
Abolition passes (1905).....	50,000,000
Reduction 24 per cent, conducting transportation.....	185,104,879
<b>Total.....</b>	<b>548,420,099</b>

#### COMPARATIVE FREIGHT RATES IN GERMANY AND THE UNITED STATES.

[Professor Parsons.]

German rates are much lower than those of England or France, and though our average ton-mile rate is below the German, actual rates for similar services are for the most part lower in Germany than with us. For example, take the statement of Hon. Charles A. Prouty, of the Interstate Commerce Commission, comparing rates from his home town, Newport, Vt., to Boston, with rates for the same distance in Prussia, and also in Iowa, where rates are very low for this country.

Rates in cents per 100 pounds.

	Newport, Vt., to Boston.	Iowa rate for same distance.	German rate.
Potatoes.....	19	12½	9.5
Hay.....	17	11	10.5
Butter.....	46	26	36
Sugar.....	19	17	10.9
Lumber.....	10½	9½	6.4
Fertilizers.....	17	9½	8

Commissioner Prouty further says: "Last summer a company in which I was interested had occasion to transport considerable quantities of copper wire from Phillipsdale, R. I., to Bradford, Vt., and of dynamo and transformers from Pittsfield, Mass., to the same destination. We paid in less than carloads from Phillipsdale 32 cents per hundred pounds. The corresponding rates in Prussia are 11.08 and 15 cents."

The local rates in America are frequently several hundred per cent above the German charges for the same distance. For example, the rate on dry goods from Springfield, Mass., to Westfield, Mass., is \$1.70 a ton, or 22.4 cents per ton-mile. The Prussian rates for the same distance would be 48 cents, or 6 cents a ton-mile.

Even in populous districts and along lines of water competition, where local rates should be low, if anywhere, our ordinary rates are several times the corresponding Prussian rates. The following table illustrates the situation, by comparing our local rates on dry goods or other first-class freight in small lots with the German figures:

L. C. L. rates, in cents, per ton-mile.

	Miles.	Ton-mile rate on dry goods.	Prussian ton-mile rate for same distance.
Providence to Fall River.....	18.0	15.0	5.0
New London to Norwich.....	15.5	18.0	5.1
Springfield to Westfield.....	8.0	22.4	6.25
Harrisville to Central Falls, R. I.....	24.0	15.0	4.5
Blackstone to Dedham, Mass.....	30.0	14.0	4.4

The Prussian local rates, less than a third of ours, apply without distinction of locality to towns in the interior as well as to towns along the waterways. Our through rates are higher than they were sixty-five years ago. We may well wonder whether the local rates have fallen any whatever in the same sixty-five years.

German railway commissioners recently in this country, after studying our rates, declared that they were in many cases four or five times as high as the German rates on the same goods for the same distances. No existing differences in wages or legitimate traffic conditions are sufficient to explain such differences in rates.

The average passenger rate in Prussia is 0.98 of a cent per mile, against 2.02 cents in the United States. The average merchandise rate in Prussia is 1.36 cents per ton-mile, against 0.78 of a cent in this country. But the American rate does not include express, which pays very high rates, while the German rate does include express. It also includes large amounts of traffic which in this country is handled by fast freight and private car lines, the earnings of which are not included in the reported railroad revenues. The American rate is cut down by including large amounts of freight carried for the companies themselves, for which no charge is made, while the German figure includes only freight actually paid for. The German roads carry an immense amount of mail and packages for the parcels post, for which they get no pay, while American roads receive large sums for carrying the mails, and the packages for the most part go by express with us. The proportion of bulky, heavy, low-rate freight such as coal, iron, ore, timber, etc., is very much larger here (where coal alone constitutes one-third of the total tonnage) than in Europe, where the bulk of such traffic is carried by water. The average haul in Germany is 78 miles, against 244 miles in the United States, over three times the German haul, and this cuts down the average mile rate tremendously, so that on two roads run with equal efficiency and charging the same rates for equal service involving the same amount of labor and capital the road with the long average haul will show a much lower ton-mile rate. Our

low ton-mile rate is partly due to carriage on circuitous routes and other unnecessary competitive transportation, representing a waste of industrial force. And, worse yet, our average tells the story of the special rates and secret concessions to favored shippers. Our ton-mile rate does not represent the rates the public has to pay, but it is brought below the actual rate level by the rebates and concessions granted the trusts and combines and other big shippers. The German average represents the rates that all the people pay.

Making allowance for express and mail, company freight and private car line traffic, the German commissioners conclude that a proper figure for our average freight rate would be 1.44 cents per ton-mile, while the figure for the Prussian roads would be 0.95 of a cent.

Average ton-mile and passenger-mile rates (in cents).

	Average ton-mile rate.	Average freight haul.	Average passenger rate.	Average passenger haul.
United States (private).....	0.78	244	2.02	30
Germany (state).....	1.40	78	1.2	15
Austria-Hungary (mostly state).....	1.50	65	1.1	25
Belgium (state).....	1.25	45	.75	14
Switzerland (state).....	2.56	43	1.3	13
France (private).....	1.55	102	1.84	21
Great Britain (private).....	2.50	.....	2.25	12
Norway (state).....	2	.....	1.16	.....
Norway (private).....	2.6	.....	1.16	.....
Denmark (state).....	1.44	.....	.76	.....

\* For straight tickets.

#### A CENT A MILE PASSENGER RATE—THE ZONE SYSTEM.

[David J. Lewis.]

The United States is the only country in the world where the railways charge as much to haul a passenger a mile as they do to haul a ton of freight a mile; and here they charge on the average three times as much for the passenger mile as they do for the freight mile. In the freight traffic three elements of competition have been at work on the freight rate: (a) Competition between railways between the same points, (b) competition with waterways, (c) competition between producing centers. Thus, before the formation of the anthracite coal trust, different coal fields producing anthracite competed through their carrying railways in the different markets. And even now the cotton and grain of America must compete with the like products of India and Egypt in London and other European markets, and the American railways must make the low rate for export traffic necessary to keep these markets. But the two last elements (b, c) of competition never have applied to the passenger traffic, and as to competition between parallel railways, that has ceased long ago. The net result has been that although the average freight rate of 1867 and the average passenger rate were the same the freight rate has been reduced more than 50 per cent while the passenger rate has been raised slightly.

The different operation of commercial forces as to these two lines of traffic during the last forty years is seen in a table taken from the work of Professor Weyl, of the University of Pennsylvania:

#### Decline of passenger fares.

Year.	Revenue from freight per ton-mile.	Revenue per ton-mile in per cent of 1867.	Revenue from passengers per mile.	Revenue per passenger-mile in per cent of 1867.
	Cents.	Per cent.	Cents.	Per cent.
1867.....	1.925	100.0	1.994	100.0
1872.....	1.846	95.9	2.521	126.4
1877.....	1.286	66.9	2.458	123.3
1882.....	1.102	57.2	2.391	119.9
1887.....	.984	51.1	2.245	112.6
1892.....	.898	46.7	2.126	106.6
1896.....	.806	41.9	2.019	101.3

If the greater area of the United States is such as to require an average haul of commodities of 244 miles as against 78 miles for Germany, 6 miles for Austria-Hungary, and 45 miles in Belgium, an average of 63 miles, it would seem that we might look for the same ratio of passenger mileage, i. e., we should expect to find that the average American travels about four times the distance of the European. Considering the sparsity of population, the great extent of our country—fifteen times as large as Germany, with eight times the railway mileage, two hundred and fifty times as large as Belgium, with a hundred times the railway mileage, twenty-four times as large as Austria-Hungary, with ten times the railway mileage—we would look for a per capita of travel here multiplied almost to a decimal point.

#### Table showing number of passengers, trips, and per capita mileage.

	Number of passengers.	Per capita trips.	Per capita mileage.
Great Britain, 1898.....	1,062,911,116	25	336
Germany, 1905.....	900,000,000	16	321
United States, 1898.....	501,066,681	7	183

The above figures are exclusive of season tickets in England, which would probably raise the figures substantially. Since 1898 the number of trips in the United States have increased to 9 and the per-capita mileage to 299; but our ratio still lingers behind, while data are not at hand for Great Britain for recent years. There are two main reasons to be assigned for the great disparity between American and British travel: First, the average British passenger rate of about a cent a mile, and, second, the greatly reduced distances between points of business and centers of pleasure. Besides having twice the fare to pay per mile, the average American has from three to four times the length of journey to traverse on account of our sparseness of population and grander scale of distances. Cities of the first class in the United Kingdom are seldom more than 75 miles apart, while here

they are usually from two to four hundred miles. With the same, if not a greater, natural disposition to travel, in a country with one language and feeling, with natural objects of great interest and business necessities far exceeding our English cousins, our mobility is impeded by a financial burden, distance alone considered, from three to four times the exaction in Great Britain.

And from private owners we can hardly expect any substantial amelioration, because no argument can be presented to them on social grounds alone. While it may be shown to them that by reducing the average passenger rate to a cent a mile the traffic can be doubled or even tripled, it can not be shown with certainty that they will reap a greater profit. Their primary motive being a private one, which is natural, they are unwilling to risk an assured profit on a social aim, however certain the advantage to the public.

That a reduction of the passenger rate has the effect of multiplying the traffic is seen in every excursion, but that a permanent reduction will have the like effect seems also to have been shown by the test of experience. In 1889 the experiment was made in Austria-Hungary, with the following result:

	Passengers.	Passenger receipts.
August, 1888, to July 31, 1889.....	5,684,845	\$3,800,000
August, 1889, to July, 1890.....	13,456,712	4,620,000

The growth of traffic was so great that the receipts increased in spite of the reduction in rates, and the net receipts were also enlarged, the expenses of operation by no means increasing in proportion to the volume of traffic.

This great multiplication of travel took place in an empire of the most limited social homogeneity and with languages and feelings so diverse that a session of the Imperial Parliament can hardly be held without necessitating the police.

Roumania had the same experience, according to Professor Weyle, who states that in consequence of a radical reduction of fares the passenger traffic in that State rose from 2,906,862 passengers in 1890 to 4,332,813, an increase of 49 per cent in one year, and adds that the increase was hardly due to improved economic conditions.

A like result followed a parliamentary reduction of rates in England. Weyle, in his work on the Passenger Traffic, states in 1846 a radical decrease of rates was enforced, and by the year 1850 there resulted an increase of traffic amounting to 330 per cent, the rate of the reduction being from 3.43 to 2 cents a mile.

On account of the multiplying effect of a reduction to a cent-a-mile rate on the traffic it is believed that its introduction would not result in any depletion of the gross receipts, and with some allowance for the increased number of cars necessary the national administration of the railways might prudently inaugurate the change. That this is possible is shown by the experience of American railways themselves from the years 1895 to 1906, inclusive. The passenger traffic increased from twelve to twenty-three billion passenger miles traveled, while the increase in the number of locomotives devoted to the passenger service was only 18 per cent, and the increase in the number of passenger cars only 23 per cent.

Annual subscription tickets on Austrian railroads (not transferable). [Compiled from data in Report of Massachusetts Board of Railroad Commissioners, 1892, p. 60.]

	First class.	Second class.	Third class.
Good on all lines, or a little more than 4,000 miles of railroad.....	\$120.00	\$80.00	\$40.00
For 31 miles.....	36.80	27.60	18.40
For 31 miles, per ride.....	.0613	.046	.0307
For 62 miles.....	49.20	36.80	21.90
For 62 miles, per ride.....	.082	.0613	.0415
For 124 miles.....	73.60	55.20	36.80
For 124 miles, per ride.....	.1227	.0920	.613

While the above rates are of value mainly to the daily traveler, a zone system prevails for the occasional journey, the rates being as follows:

Tickets, says Professor Parsons, are sold by zones, and are good for all stations within the same zone. The first zone runs from 1 to 15 miles, the next from 16 to 25 miles, and so on, the steps in making the bigger zones being longer, and beyond 140 miles all stations are included in the same zone. The rates are 10 cents third class on ordinary trains and 12 cents on express trains for each zone. If your journey takes you over two zones, as from a station in zone 1 to a station in zone 3, you pay 20 cents (or 24 cents express). If you cover five zones, you pay 50 cents (or 60 cents express), and you can go any distance for \$1.60 (or \$1.92 express). For local traffic special rates are made, 4 cents to the next station from where you are in the same zone and 6 cents to the second station.

For short distances the rate is about 1 cent a mile or less; for long distances it runs down to about one-third of a cent a mile. From Budapest to Kronstadt, for example, you go 457 miles for \$1.60. If we had the same rate here, you could go from New York to Chicago for \$3 instead of \$20, and from New York to Philadelphia for 32 cents instead of \$2.50. We can not expect so much reduction, of course, because costs are greater here, but that difference does not require six to eight times higher rates.

#### ADDITIONAL COST OF INCREASED PASSENGER TRAFFIC.

The highest average number of passengers to the American train is shown in the report for 1905, when it was 48. Group I, embracing New England, shows 64, while the Pacific coast, in Group X, shows 65, a concurrence produced apparently by the lower rates of New England and the higher wages, while in Group IV, embracing the Virginias and the Carolinas, where neither high wages nor low rates obtain, the average train load falls to 35. The like disparity appears in the annual number of passengers carried per passenger locomotive, the figures varying from 98,130, in Group I, to 25,536, in Group VII. In New England there are 39 passengers to the million passengers carried; in Group IV, 89, and in Group VII, which includes Montana, Wyoming, parts of Colorado, Nebraska, and South Dakota, the number of cars to the million passengers is 143. The average day coach contains 30 seats, and a sleeper, with its smoker, about the same number. Esti-

ating the average main-line train at five passenger cars, there are thus 150 seats, or three times the average train load of 48 persons. The branch and accommodation trains likely average about three cars, with separate seats for 90 passengers; so that, taking average trains and average train loads, the main-line traffic facilities would seem sufficient to accommodate three times the average travel upon them and the accommodation and branch traffic about double their present load. From these data the advocate of a reduced passenger fare will naturally conclude that the traffic could be doubled without a serious addition of expense to the operating cost. For "rush occasions," like the holidays and summer-vacation travel, additional cars would be necessary; but as a good up-to-date day coach can be had for \$6,000, with interest and depreciation at 10 per cent a year, a 50 per cent increase in their number would involve an outlay of only \$9,000,000 a year. The locomotive crew, depot and other related services would seem to come under the same principle, and computing that traffic as now costing \$300,000,000, about two-thirds of its receipts, a claim that the traffic might be doubled at an added cost of \$100,000,000 is as accurate as speculation can be.

No argument as to the desirability of this accomplishment is made. From the standpoint of business necessity, education, relaxation, and pleasure the proposal would seem to be more than justified. Professor Weyle, after declaring that the most expensive element in the passenger traffic is the "empty seats," and that the "policy of decreasing the price of railway travel should undoubtedly be continued where there is Government ownership," also adds that "There seems little doubt that this change is possible, and in thickly populated districts the traffic might increase several fold." In countries where the ownership of railways rests with the community such an extension of traffic is not only feasible, but would act as a most powerful lever in elevating the population. There is, of course, still a certain prejudice against traveling which would rapidly disappear when traveling was made more common. There are other factors working against traveling besides that of high fares, but these would largely be remedied by any increase in the traffic.

#### AN EIGHT-HOUR DAY.

The multiplication of the productive forces of society during the last century has eliminated the necessity of the long workday, remnants of which largely remain in the railway service. The Government has placed this limitation of eight hours upon its own employees engaged in the physical avocations, such as mail carriers, and the institution gives satisfactory results to employers and the public.

Many of the States embrace this idea in their statutes and constitutions, and its expediency is now universally recognized where elemental conditions permit. Public railways make it a rule to thus promote the well-being of the employee, and it is rare that more than eight hours' labor is permitted, although on privately owned railways the long-day rule is universal. It is not at all uncommon for the employee in the United States to remain at his task twelve hours, even when, as an operator, countless lives may depend upon the freshness of his faculties. Railway engineers frequently make thirty-five and forty days a month, and the engineer whose locomotive collided with the train load of passengers at Terra Cotta had had but eight hours' sleep in the preceding forty hours.

An eight-hour day in the United States, when introduced, would be tantamount to an increase of 20 per cent in the wages of the employee, it being assumed that the average day is now about ten hours. This would cost \$160,000,000. As a matter of fact, the change would not require the employment of one-fifth more men because the economies of single organization discussed in the Chapter of Economies would more than correspondingly reduce the total of labor required. This reduction to eight hours should not be made to take effect at once, but only gradually, as the eliminations of useless competitive labors might proceed. Perhaps none will dispute that increased efficiency would result from this reform, since a man is certainly stronger for an eight-hour journey than for a ten or twelve hour one. The resulting benefit to the country at large must be admitted unless the critic is prepared to controvert the superiority of twentieth-century over eighteenth-century civilization.

#### COMPENSATION FOR ACCIDENTS TO EMPLOYEES.

The following table shows the proportion of passengers killed and injured to the total number carried and the proportion of employees killed and injured to the total number employed in different countries, as given by Professor Parsons, of Boston, for the years 1902 and 1904:

Country.	Passengers.		Employees.	
	Killed, 1 in—	Injured, 1 in—	Killed, 1 in—	Injured, 1 in—
United States.....	1,957,441	84,424	364	22
Great Britain.....	8,073,000	445,000	736	88
Germany.....	11,701,354	2,113,471	1,199	451
Belgium.....	33,151,173	431,937	2,266	98
Austria-Hungary.....	9,432,303	1,328,551	1,908	363
France.....	5,260,000	1,052,000	954	355
Switzerland.....	12,237,515	849,820	1,070	42
Denmark.....	18,935,151	9,467,000	.....	.....
Norway.....	7,690,000	4,350,000	.....	.....
Sweden.....	6,667,000	3,450,000	.....	.....
Russia.....	1,080,000	250,000	.....	.....
Spain.....	2,000,000	308,000	.....	.....
Canada.....	1,120,000	153,000	.....	.....
Victoria.....	20,000,000	208,000	.....	.....
Tasmania.....	.....	271,000	.....	.....
New South Wales.....	5,000,000	589,000	.....	.....
South Australia.....	6,667,000	2,500,000	.....	.....

It is not intended here to discuss the causes of the unparalleled accident list on American railroads. A brief treatment of the method of monetary compensation to those who suffer as a result of such accidents is deemed to be in place. The legal remedy is effective enough for this purpose, so far as passengers are concerned, but with regard to employees, no scheme of liability law, based upon the charge of neglect in the employer or his employees, is adequate to meet the requirements of the case. Perhaps not 20 per cent of the accidents which happen are chargeable to anybody's neglect, and, of course, it is immaterial to the victim or his dependents what the assignment of cause may be. As a general fact, the injury to the victim is a necessary contribution to railway management, and should be charged up to the cost of operation like taxes or any other unvarying



and inevitable expenditure of railway capital. It is therefore insurance and not damage law which is deemed appropriate to the subject. So constant is the ratio of accidents to the business done on our railways that one can, by the simplest provision, calculate the cost of insurance in advance. The amount allowed under the workman's compensation act of Great Britain is the equivalent of the workman's wages for three years, if killed, and one-half of said amount for permanent disability. It is suggested that this limit ought to be raised to five years as a standard more in harmony with justice. Applying the five-year basis in the United States, we would have the following table as representing the annual cost of compensation for the killed and disabled on our railways:

<i>Cost of insurance of killed and injured, 1905.</i>		
5 years average wages, \$3,000, each to 3,361 killed.....		\$10, 098, 000
5 years one-half average wages, \$1,500, each to 22,128 disabled.....		32, 192, 000
Total.....		43, 290, 000

#### PENSIONS FOR SUPERANNUATED.

The United States has shown little progress in this matter. Austria, Belgium, France, Germany, the British colony, Russia, even Egypt, Algeria, and Turkey, have introduced pensions for the assistance of railway employees worn out in the service, while in our country only four railway systems, including the Baltimore and Ohio and Pennsylvania Railroad, have made any such provision.

The census shows that the number of people living above the age of 60 in the United States amounts to 9 per cent of persons living above the age of 15, the age at which railway service begins. To pension those above 60, at one-half of the wages formerly received, would accordingly cost only 4½ per cent of the total sum now paid employees on our railways, the exact sum in 1905 being about \$800,000,000. Thus the cost of pensioning railway employees who would serve at least ten years and reach the age of assumed incapacity at 60 would be \$36,000,000 a year.

#### RAILWAY BALANCE SHEET UNDER PUBLIC OWNERSHIP.

Having suggested such material additions to the railway service as an eight-hour day, the abolition of grade crossings, the reduction of the passenger rate to a cent a mile, and the introduction of the pension and insurance features proposed in Senator PATTERSON'S bill, it will be interesting to strike a balance between revenue and expenditures of the railways, judged as a single system. Based upon the year 1905, and assuming that the passenger traffic will double under the influence of a cent-a-mile rate, the following is a summary of expenditures and income under public ownership for the year 1905:

<i>Revenue and expenditures under public ownership, based on year 1905.</i>	
Gross earnings from operation.....	\$2, 082, 482, 406
Additional earnings from abolition of passes.....	50, 000, 000
	2, 132, 482, 406

Maintenance of way and structures.....	\$275, 046, 036
Maintenance of equipment.....	288, 441, 273
General expenses.....	55, 319, 805
Conducting transportation, \$771,228,666, less 24 per cent for estimated economies.....	586, 123, 787
Three per cent interest on cost of purchase at \$11,000,000,000.....	330, 000, 000
Sinking fund, one-half of 1 per cent on cost of purchase.....	55, 000, 000
Taxes, 1905, to be continued.....	63, 474, 679
Cost introducing eight-hour day.....	160, 000, 000
Appropriation to abolish grade crossings.....	30, 000, 000
Extra expense conducting passenger traffic.....	100, 000, 000
Bureau compensation for deaths and disabilities of employees and old-age pensions.....	79, 290, 000

Total expenditures..... 2, 022, 695, 580

Excess of receipts—surplus..... 109, 786, 826

#### SWITZERLAND.

From the "Message of the National Council to the Federal Assembly concerning the purchase of the principal lines of Swiss railways" (March 25, 1897), and from conversations with the heads of Government departments, including Doctor Zemp, the minister of railways, and Emile Frey, ex-President of the Republic and head of the International Bureau of Telegraphs and Telephones, and a large number of business and professional men in Geneva, Berne, Basle, and Lucerne, I condense the following statement of the main reasons that led to the nationalization of the railroads:

1. "The railways should be managed for the people, not for the profit of private owners." This point in varying form was emphasized over and over again as the fundamental argument and the basis of the movement.
2. "The rates would be lower."
3. "The service would be better. The Government would be more occupied with the interests of the public than the company's."
4. "Considerable economies will be effected by the consolidation of the roads under public management."
5. "Unity of the system is essential to the best results, and the united system must not be subject to speculative management."
6. "The private operation of railways puts too much power in the hands of the managers."
7. "The nation would be better able to open new lines where they are needed. The companies do not develop the out districts. They have refused to build new railways to villages where they think the business may not pay, although there is great need for the roads."
8. "In their pursuit of dividends the companies have sometimes even neglected proper repairs and precautions for safety, so that bad accidents have resulted."
9. "The Government will be more liberal with employees than the companies, as is shown by its treatment of the employees of the Government post and telegraph. It will adjust differences with employees in a better spirit, and we shall not have strikes of railway employees blocking our traffic."
10. "We do not want our railways owned by speculators, and especially we do not want our railway shares owned by foreign capitalists."

11. "The capital of the railways should be gradually extinguished instead of being piled up, as the companies are doing. Provision has been made in Germany and Belgium for the amortization of the capital about the middle of the twentieth century, and the French railways are to come to the State free of debt about that time. We also must extinguish the capital charges on our railways, so that rates may be reduced as nearly as possible to the cost of operation."

12. "National ownership of the railways will tend also to a closer national unity. This is important, for by reason of differences of race, etc., the union of interests among our States is none too strong."

13. "The success of the German roads affords a strong example of the value of State ownership. We are all convinced," said one of the foremost men in Switzerland, "that State management of railways has been a good thing for Germany." (Professor Parsons in Railways, etc.)

#### JAPAN.

The first railway in Japan was a Government road, and one-third of the roads are now public. The Government fixes maximum and minimum rates and leaves the companies free between those limits, except that the minister of railways has sufficient control to compel fair rates if the companies try to discriminate. The Japanese railway officers I have talked with said that the Government did not intend to have any such arrangements as those which American railways make with the beef trust and other combines.

The Government pays the private roads for carrying the mail at much lower rates than ordinary freight rates. There is no railroad lobby, and the private roads do not give passes to legislators. There are a few railroad directors in parliament, but they have no special influence. The Government roads give premiums and bonuses to firemen and engineers for economy of fuel and efficiency of service.

There is an advisory council appointed by the Government, consisting of railroad officials, senators, representatives, and eminent persons representing various business interests.

The effect of this, as of similar bodies in Germany, Switzerland, Sweden, South Africa, and other countries, is to bring the railways into closer touch with the people, prevent friction and litigation, and adjust the service to the needs of business and the wishes of the public.

There are important differences, however, between the Japanese advisory system and that adopted by Prussia. There are no district councils, as in Germany and Switzerland, and the national council is wholly appointed from above, instead of being mostly elected from below. The Japanese council, which considers questions of location, construction, financing, and operation, and makes recommendations, is composed of twenty persons, representing the cabinet department, both houses of the legislature, the railways, and business interests.

The law specifically provides for the inclusion of cabinet officers in the council. It is said that bureaucratic influence has not manifested itself, but there is certainly less of a guaranty against it than under the Prussian system, where the law expressly excludes from the council all immediate state officials.

The law as to private railways (passed in May, 1887) contains many excellent provisions, especially in relation to the granting of charters, inspection and control of rates, accounts and service, and provisions for safety.

The Government reserved the right to purchase railways after twenty-five years of chartered existence on the basis of the average price of shares during the five years preceding the purchase.

Notwithstanding the large control already exerted by the Government over private railways, a congress of representatives of Japanese chambers of commerce, after the recent war with Russia, passed resolutions declaring for a more complete control of the railways as to their business methods. The Government has elaborated a plan for nationalizing the private roads on the basis of twenty times the average annual profits for the three years preceding the war. The cost is estimated at \$250,000,000. Stock is to be paid for in 5 per cent bonds redeemable within forty-five years and the net revenues of the railways are to be devoted to paying interest and redeeming the bonds, so as to clear off the capital charges as soon as may be reasonably practicable.

This plan, presented in a bill before the parliament this year (1906), has passed the house of representatives by a vote of 243 to 109.

The Japanese, both in war and peace, have shown the most wonderful receptivity and judgment in adopting the best ideas and institutions of other lands. And the skill, efficiency, public spirit, and power of organization they have shown leave no room for doubt of their success in the management of state railways. (Professor Parsons, in Railways, etc.)

#### [From the Review of Reviews.]

##### ITALY—STATE CONTROL OF ITALIAN RAILWAYS.

The present Italian ministry announces semiofficially that, owing to inability to agree with the railroad companies on a new arrangement for the private operation of the roads, the state will, on July 1, assume control of all the systems except the south Italy railroads, according to the provisions of the law of 1862. As the present concession has been in effect since 1885, an entire new order of things is proposed, and views as to what is really best to do are various. Editors, authors, and magazine writers are busy informing the public as to present facts and best future policies. Deputy Maggiorini Ferraris, editor of the Nuova Antologia (Rome), in the first number of his review for January, discusses "How people travel in Italy and abroad," and by comparative tables makes a bad showing for Italy. In the number of trips per inhabitant Italy is ahead of only Russia and Roumania. Its average is 1.82, while in England it is 27.40. Comparing the number of trips with their average length, which is greater in Italy than in several other countries, it still results that Austria makes three times the use of railroads that Italy does, France four times, and Switzerland about six times. In length of railroads, Italy, with 15,494 kilometers, ranks after Hungary, exceeding only little Belgium and Switzerland. In proportion of the length of lines to population, Italy is at the bottom of the list, with 47 kilometers per 100,000 inhabitants, while Switzerland has 113.1 kilometers. Comparing passenger rates, Italy proves to have the highest of any country in Europe for all classes and particularly for third class.

In his second January number Signor Ferraris treats at great length "Railroad anarchy in Italy," and shows that the condition of the roads, of their rolling stock, and fixed plant is anything but advantageous for the Government if it should take them over, owing to the vacillating and penurious policies in the past.

The performances of passenger cars and locomotives are considerably over the normal set in the agreements with the operating companies. This argues a constant deficiency of rolling stock. The age limit set for locomotives was forty years and for cars sixty years, seemingly ample,

but the Mediterranean line is actually using seventy-one locomotives that have passed their two score year mark, at a great waste of fuel, naturally. There is continual car shortage, and reception of freight is often stopped at various stations on account of this. Delays in freight shipments are so numerous that complaints arrive by the thousand, and so many claims are made for refund because shipping agreements have not been carried out that thousands of shipments are actually carried free, and more would be if every shipper knew his rights. Many lines are still single track, and the lack of centrally operated switches and block signals causes much congestion. The rails are too light to allow the use of heavy, high-speed locomotives. This has been especially so on the stretch from Pisa to Rome, where otherwise high speed with few stops could be maintained.

In short, the writer finds that the income of the railways is the least in Europe, the trains are the slowest, and the rolling stock is in the worst condition. The arrangements with the operating companies have failed financially, economically, and technically, and have left the nation with a deficit of several hundred million francs. Travel, commerce, and industry all languish through the shortsighted management. The companies fear to make improvements at the expense of their shareholders and for the benefit of the state. The state fears to spend the taxpayers' money for the benefit of the companies. Signor Ferraris considers any postponement of state control a step backward. The south Italy lines should be gathered in with the others as soon as a basis of agreement can be reached, and the maritime postal lines connecting the islands should later be included.

**MEXICO FEARED RAILROAD TRUST, SO MEXICAN GOVERNMENT TOOK ROADS ITSELF, MINISTER SAYS—MERGER ONLY A BEGINNING—VIGOROUS ENTRANCE INTO THE RAILWAY FIELD PROMISED—ECONOMIES IN OPERATION HOPED FOR.**

Minister of Finance Limantour, in a speech remarkable for its straightforwardness, presented to Congress last night the reasons which prompted the Government to consummate the great railroad merger by which the Republic comes into possession of the two great trunk lines of the country, together with thousands of miles of subsidiary lines. With the control of the National and Central, together with dependent lines, the Mexican Government practically owns all the big operating lines of the country.

The most remarkable statement in the minister's speech was that the Government was forced to go into the railroad business on a larger scale because of fear of what he styled "the great railroad trusts in the United States." He said that if this defensive action had not been taken by Mexico some of the great railway systems of the United States would enter the Republic and swallow the transportation facilities of the country. This he characterized as a peril which was now alarming the people of the great northern Republic.

In his speech there occurred an important forecast, which intimated that the merger was only the beginning of a great plan, and he declared that the Mexican Government had decided vigorously to enter the railroad field. After delivering his speech he presented a bill at the request of President Diaz, the speaker said, asking that the session of Congress which is about to close be prolonged that the whole situation might be carefully considered by the deputies and senators.

During the address Minister Limantour said that the Government was at first forced to go into the railroad business in 1903, when the National was purchased, because of the fact that a merger between that line and the Central was then about to be consummated. At that time the Government declared that its attitude in railroad affairs would henceforth be passive, but the circumstances mentioned, he said, had been forced by the so-called "railroad trust" of the United States. The minister said:

"Gentlemen, you are familiar with the aspect offered by the transportation question in the neighboring nation; the problem there is only a phase of the trust question, which may be characterized as a peril. Those great corporations are being extended every day, and many of them cover considerable areas of territory. The tendency to expansion has been so pronounced in recent years that it may be added that the aim of most of the financial interests controlling the great transportation systems of the United States is to absorb as many other lines as possible.

"The United States Government, alarmed by the tendency and desirous of initiating a reaction against it, has, as you well know, taken action which aims at combating those organizations and checking their continued expansion. Under these circumstances it was natural that we, on our side, should endeavor to prevent the powerful corporations in question, attacked as they are being by all legal means in their own country, as well as harassed by pressure of public opinion, from coming hither and seeking to absorb those Mexican railroads which are not already under the direct control of the Government."

The minister summed up his argument as follows:

"Thus, gentlemen, there are three main arguments for the incorporation of the two great systems of the National and the Central, first, to avoid friction between the different corporations when the two are competing lines, or when one of them fears being antagonized by a concert in which the Government holds controlling interest; secondly, to avoid the absorption of properties not controlled by the Government by one of the great railway systems of the United States, and, third, the prospect of realizing considerable economies through the consolidation of all the great railways under a single management."

The speech throughout its delivery was frequently applauded. There seemed to be an overwhelming sentiment in favor of the idea advanced by Senator Limantour. (Baltimore Sun, Dec. 15, 1906.)

#### MEXICO AND GOVERNMENT OWNERSHIP.

The Mexican Government has entered the field of public ownership. Associated Press dispatches follow:

CITY OF MEXICO, December 14.

The details of the railway merger by which the Mexican Government takes control of the independent lines in the Republic are now known. By the terms of the contract the Government secures absolute control of the Mexican Central, the National, the International, the Interoceanic, and the Hidalgo and Northeastern, all of which will be merged into one great railroad system. The Government also comes into control of the Texas-Mexican, a railroad at Laredo, Tex., which is owned by the National. The mileage of the system will, with extensions which are rapidly nearing completion, aggregate approximately 10,000 miles. The Tehuantepec National and Vera Cruz and Pacific, two others controlled by the Government, will continue to be run as independent companies.

A Mexican company, of which a majority of the stock will be held by the Mexican Government, will be organized with headquarters in Mexico City. The company will issue its securities in exchange for the

securities outstanding of the two companies, and the new company will acquire all the physical property and concessions held by the old companies.

It is contemplated to create a board of twenty-one directors, to be divided into a general board which will reside in Mexico, and a local board with headquarters in New York. The board in Mexico will consist of twelve members, and the New York board of nine.

The new company will make a limited issue of prior liens at 4½ per cent and general mortgage bonds at 4 per cent, the principal and interest of the latter being guaranteed by the Mexican Government. In addition to the bond issue, the company will issue first and second preferred and common stock. It is proposed to leave an ample reserve in cash and securities for future improvement, development, and extension of the lines of the company and for the acquisition of additional rolling stock and motive power. The new company will take over the holdings of the National Railroad of Mexico and the Mexican International and Interoceanic railroads, which it will thus control, as they are at present in the control of the National. It is believed that by a reduction of the general charges, the elimination of competition, the economical routing of freight, and by the increased development of the properties the new company will not only be able to meet its fixed charges, but will earn at an early date dividends on its first and second preferred stock. (The Commoner.)

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15434) to regulate appeals in criminal prosecutions.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908, recedes from its disagreement to amendment No. 20 to the bill, and agrees to the same; further insists upon its disagreement to amendment No. 25, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. PARKER, and Mr. HAY managers at the conference on the part of the House.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24925) making appropriations for the naval service for the fiscal year ending June 30, 1908, and for other purposes, and insists on its disagreement to the amendment of the Senate No. 1 to the bill.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

- H. R. 17814. An act granting an increase of pension to Simon E. Chamberlin;
- H. R. 21413. An act granting an increase of pension to Mary S. Platt;
- H. R. 21788. An act granting an increase of pension to Satina A. Waymer;
- H. R. 21818. An act granting an increase of pension to William Hardesty;
- H. R. 21827. An act granting an increase of pension to Francis Murray;
- H. R. 21899. An act granting an increase of pension to Catharine Koch;
- H. R. 21911. An act granting an increase of pension to George Newton;
- H. R. 21914. An act granting an increase of pension to Ferdinand Pahl;
- H. R. 21974. An act granting an increase of pension to John W. Lowell;
- H. R. 21983. An act granting an increase of pension to James E. Pusey;
- H. R. 22055. An act granting an increase of pension to Maria Lorch;
- H. R. 22063. An act granting an increase of pension to Horace F. Packard;
- H. R. 22093. An act granting an increase of pension to Lars Isaacson;
- H. R. 22165. An act granting an increase of pension to John Hand;
- H. R. 22169. An act granting an increase of pension to Cynthia M. Bryson;
- H. R. 22170. An act granting an increase of pension to Benjamin James;
- H. R. 22175. An act granting an increase of pension to Charles Prendeville;
- H. R. 22199. An act granting an increase of pension to William Templin;
- H. R. 22216. An act granting an increase of pension to Griffin A. Coffin;



H. R. 22251. An act granting an increase of pension to Samuel Manly;  
 H. R. 22260. An act granting an increase of pension to James E. Bissell;  
 H. R. 22283. An act granting an increase of pension to Stoddard Caswell;  
 H. R. 22294. An act granting an increase of pension to Perry Lamphere;  
 H. R. 22302. An act granting an increase of pension to Burrell H. Gillam;  
 H. R. 22326. An act granting an increase of pension to Mary Levina Williams;  
 H. R. 22327. An act granting an increase of pension to Isabel Manney;  
 H. R. 22328. An act granting an increase of pension to Susan Baker;  
 H. R. 22329. An act granting an increase of pension to Margaret L. James;  
 H. R. 22330. An act granting an increase of pension to Mary C. Jones;  
 H. R. 22426. An act granting an increase of pension to Louisa E. Robertson;  
 H. R. 22441. An act granting an increase of pension to Jacob Mose;  
 H. R. 22468. An act granting an increase of pension to William Kelso;  
 H. R. 22503. An act granting an increase of pension to William A. Clarke;  
 H. R. 22529. An act granting an increase of pension to William Truett;  
 H. R. 22540. An act granting an increase of pension to Richard Turnbull;  
 H. R. 22547. An act granting an increase of pension to John Hickcox, jr.;  
 H. R. 22548. An act granting an increase of pension to Franklin H. Davis;  
 H. R. 22562. An act granting an increase of pension to George J. Abbey;  
 H. R. 22592. An act granting an increase of pension to Andrew J. Frayer;  
 H. R. 22613. An act granting an increase of pension to Isaac G. McKibban;  
 H. R. 22617. An act granting an increase of pension to Margaret O'Reilly;  
 H. R. 22629. An act granting an increase of pension to Josiah N. Pratt;  
 H. R. 22630. An act granting an increase of pension to George Wiley;  
 H. R. 22650. An act granting an increase of pension to Thomas T. Baldwin;  
 H. R. 22701. An act granting an increase of pension to James R. Fairbrother;  
 H. R. 22703. An act granting an increase of pension to Benjamin F. Richards;  
 H. R. 22707. An act granting an increase of pension to Sebastian Gerhardt;  
 H. R. 22727. An act granting an increase of pension to John Miller;  
 H. R. 22763. An act granting an increase of pension to Charles H. Slocum;  
 H. R. 22785. An act granting an increase of pension to Morton A. Pratt;  
 H. R. 22788. An act granting an increase of pension to Isaac B. Gilmore;  
 H. R. 22798. An act granting an increase of pension to George W. Robinson;  
 H. R. 22801. An act granting an increase of pension to Robert McMillen;  
 H. R. 22823. An act granting an increase of pension to John Tipton;  
 H. R. 22859. An act granting an increase of pension to Samuel Boyd;  
 H. R. 22863. An act granting an increase of pension to Oscar A. Fuller;  
 H. R. 22894. An act granting an increase of pension to Louisa Berry;  
 H. R. 22947. An act granting an increase of pension to Benjamin F. Sibert;  
 H. R. 22949. An act granting an increase of pension to George W. Wells;  
 H. R. 22950. An act granting an increase of pension to Hezekiah Poffenberger;  
 H. R. 22964. An act granting an increase of pension to Eudocia Arnett;

H. R. 22986. An act granting an increase of pension to George W. Beeny;  
 H. R. 22987. An act granting an increase of pension to John D. Lane;  
 H. R. 22988. An act granting an increase of pension to Benjamin F. Horton;  
 H. R. 23031. An act granting an increase of pension to John H. Terry;  
 H. R. 23034. An act granting an increase of pension to Thomas A. Snoddy;  
 H. R. 23148. An act granting an increase of pension to Robert Liddell;  
 H. R. 23150. An act granting an increase of pension to Samuel H. W. Riter;  
 H. R. 23175. An act granting an increase of pension to Henry A. Fuller;  
 H. R. 23198. An act granting an increase of pension to Lucie A. Allyn;  
 H. R. 23280. An act granting an increase of pension to Bartholomew Burke;  
 H. R. 23282. An act granting an increase of pension to John W. Tumey;  
 H. R. 23311. An act granting an increase of pension to Jeremiah Burke;  
 H. R. 23312. An act granting an increase of pension to William Lewis;  
 H. R. 23313. An act granting an increase of pension to Benjamin D. Reed;  
 H. R. 23323. An act granting an increase of pension to Robert Foote;  
 H. R. 23360. An act granting an increase of pension to Robert Hastie;  
 H. R. 23407. An act granting an increase of pension to Hurd L. Miller;  
 H. R. 23411. An act granting an increase of pension to George H. Martin;  
 H. R. 23414. An act granting an increase of pension to Joseph Riddle;  
 H. R. 23426. An act granting an increase of pension to John S. Bergen;  
 H. R. 23442. An act granting an increase of pension to James J. Lawley;  
 H. R. 23443. An act granting an increase of pension to Louisa R. Matthews;  
 H. R. 23467. An act granting an increase of pension to Michael Flanagan;  
 H. R. 23609. An act granting an increase of pension to Samuel P. Wallis;  
 H. R. 23626. An act granting an increase of pension to Richard C. Taylor;  
 H. R. 23627. An act granting an increase of pension to William B. Walton;  
 H. R. 23628. An act granting an increase of pension to Clara E. Daniels;  
 H. R. 23660. An act granting an increase of pension to Harriet U. Burgess;  
 H. R. 23673. An act granting an increase of pension to John T. Grayson;  
 H. R. 23675. An act granting an increase of pension to Watson F. Bisbee;  
 H. R. 23677. An act granting an increase of pension to John D. Dryden;  
 H. R. 23682. An act granting an increase of pension to Joseph R. Bartlett;  
 H. R. 23685. An act granting an increase of pension to Robert Brake;  
 H. R. 23698. An act granting an increase of pension to William H. Wyman;  
 H. R. 23709. An act granting an increase of pension to James M. Dick;  
 H. R. 23729. An act granting an increase of pension to John Vandegrift;  
 H. R. 23732. An act granting an increase of pension to Rosanna Kaogan;  
 H. R. 23733. An act granting an increase of pension to Gifford M. Bridge;  
 H. R. 23744. An act granting an increase of pension to John O. Cravens;  
 H. R. 23748. An act granting an increase of pension to Emily J. Vanbeber;  
 H. R. 23751. An act granting an increase of pension to Charles D. Moody;  
 H. R. 23763. An act granting an increase of pension to James Riley;

H. R. 23791. An act granting an increase of pension to Calvin B. Fowlkes;  
 H. R. 23797. An act granting an increase of pension to James D. Tomson;  
 H. R. 23802. An act granting an increase of pension to Thomas J. Brown;  
 H. R. 23806. An act granting an increase of pension to William F. Barker;  
 H. R. 23834. An act granting an increase of pension to Samuel Langmaid;  
 H. R. 23849. An act granting an increase of pension to Charles A. Mathews;  
 H. R. 23850. An act granting an increase of pension to William Freeman;  
 H. R. 23852. An act granting an increase of pension to James G. Crozer; and  
 H. R. 23857. An act granting an increase of pension to Isaac C. Smith.

#### RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I move that the Senate proceed to the consideration of the report of the committee of conference on the river and harbor appropriation bill.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24991) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The VICE-PRESIDENT. The Secretary will read the report. The Secretary read the report.

[For report see Senate proceedings of the 26th instant.]

The VICE-PRESIDENT. The question is, Will the Senate agree to the report?

Mr. HOPKINS. Mr. President, before the report is disposed of I should like to ask the honorable chairman of the committee a question or two with reference to amendment No. 59, where \$650,000 per annum was to be expended on the Mississippi River between the mouth of the Missouri and the mouth of the Ohio. I will state my understanding is that the engineers reported that \$650,000 per annum could be expended advantageously on the river between the points I have indicated, and that section of the river is one of the most important in the whole length of the river. The State of Illinois, as well as the State of Missouri, are both greatly interested in having the improvements made at that point in accordance with the suggestions of the engineers.

This matter was brought up in the Committee on Commerce and was discussed there somewhat, and the Committee on Commerce felt that the public requirements would be best subserved by having the amendment made that was finally reported by that committee and approved by the Senate.

It is not my purpose, Mr. President, to antagonize the chairman of this committee, but it is with great regret that I learn the Senate conferees have yielded to the importunities of the conferees on the part of the House and permitted that amendment to be stricken from the bill.

The recommendation made by the Senate is, it seems to me, one of the most valuable in the entire bill. If we are to take the money from the Treasury and improve these great waterways it seems to me that this is the one point which should be carefully considered and the recommendations of the engineers carried out to the letter.

Mr. FRYE. I noted down the objections which were made to this amendment when it came up before the committee of conference, and if the Senator desires I will read it.

Mr. CULLOM. I should like to hear it read myself.

Mr. FRYE (reading)—

#### MISSISSIPPI RIVER BETWEEN THE MOUTH OF THE MISSOURI RIVER AND THE MOUTH OF THE OHIO.

"We have been spending on the river within the last twenty-five years more money per annum than is expended by the Government of Germany on the Rhine, on which there is a traffic of between thirty and forty millions of tons. The total traffic on this stretch of the river has dropped off in ten years from 1,260,000 tons to 440,000 tons.

"Second. An extensive plan of improvement was adopted in 1881 which it was thought would cost for completion \$16,000,000. This has proved entirely ineffective. In 1903, after twenty-two years, nearly eleven millions had been expended when the estimate was made for the completion of the project of 1881, and the report of the board of engineers was to the effect that it would cost twenty millions to complete the project, four millions more than the original estimate, although eleven millions had been expended.

"Third. For three years past, with the exception of a few days, there has been 8 feet of water, the total amount sought to be obtained by the project; nevertheless the traffic has been rapidly diminishing, and in 1904 the barge company which conducted most of the traffic sold out its barges and went out of business. For that year, 1904, and the three years previous we were providing \$650,000 per year.

"Fourth. Freight rates from St. Louis to New Orleans are per ton per mile only about one-third more than in deep water from Duluth to Buffalo, where they have also superior facilities for loading and unloading, such as elevators."

That was about the statement which was made before the conference committee, which seemed to be borne out by the facts of history.

Mr. HOPKINS. I am very much obliged to the chairman of the committee for that information. I will state to him, however, that a large part of it was entirely familiar to the people who are seeking to obtain the appropriation suggested by the engineers and to improve that section of the river.

The loss of the traffic from the river, it is claimed by those who are most familiar with the subject, is due largely to the influence of the railroads, who have purchased the interest of the company or the individuals who owned the barges which were plying up and down there, for the purpose of diverting the trade of the river to the railroads themselves. There are a hundred and one causes, which I can not take the time of the Senate to state, and of which, perhaps, I am not sufficiently informed to fully explain to the Senate, why the traffic has decreased there for a number of years.

It is true, I understand, that we have appropriated quite a number of millions of money and expended the same upon that section of the river, but my understanding is that that money has been well and profitably expended in the interest of commerce. What it needs is that instead of taking the amount here proposed, the pittance of only \$250,000 per year, the amount proposed in the bill as it came from the House, we should take the larger amount approved by the Senate and add more money to it, and put that section of the river in a condition where the commerce of the country can float down that mighty river to the sea.

It is true that we are putting forth extra efforts to put the river in a commercial condition between the mouth of the Missouri and its source. Appropriations have been made from year to year prior to this time, putting the river in better condition for commerce; and in this bill appropriations have been made to the amount of \$500,000, to be expended between the mouth of the Missouri and Minneapolis and St. Paul for deepening and improving the channel of the river and looking to an ultimate channel of 6 feet at low watermark. That will have a tendency to increase the commerce of that great river. But it will be to little purpose if from the Missouri River to the mouth of the Ohio River we permit the river to remain in the condition practically that it will be in if the amendment agreed to by the Senate is not adopted by the conferees.

I appreciate the fact that the chairman of the Committee on Commerce of the Senate has taken a deep interest in all the great expenditures on our rivers and harbors, and I wish to acquit him of any lack of interest in the Mississippi River. But it seems to me, Mr. President, that he has not felt the great interest of the people of Illinois and the people of Missouri and of the States adjoining upon that river. If he had, he would have held to the amendment that was made by the Senate itself.

The larger part of this bill is composed of appropriations that have been made by the House. The Senate was very moderate in any suggestions that it made; and in my judgment it was exceedingly modest in the appropriations covering this portion of the Mississippi River. The reports show that it requires a very large sum of money to put that portion of the river in good condition. In my judgment, it would have been better to have increased the recommendations of the engineers rather than to have decreased them.

That commerce has fallen away there, instead of being an argument, in my judgment, which should cause Congress to refrain from making a proper appropriation, should redouble the efforts of Congress in putting that section of the river in good commercial condition. There is nothing that will regulate the rates of the railroads from the Atlantic to the Pacific so perfectly and so well as to have that river in such a condition that the great crops which are raised on the farms of the Dakotas, Minnesota, Wisconsin, Iowa, and Illinois can find a highway to the sea over that river, because the moment that is done the competing railroads East and West will put their transportation rates at a figure that will enable the farmers of the States I have named to reach the seaboard from the East and the West as well as the South.



These considerations have moved me to ask the chairman of the Committee on Commerce to recede from that agreement and again place this amendment in conference. It seems to me if he realized the vast importance to the 14,000,000 people who live where they can be benefited by that great waterway he would take the same position I do and would recede from the position of the conferees and insist that the House shall accept the amendment of the Senate.

Mr. BERRY. Mr. President, I had not intended to say anything, and I would not have done so but for one remark made by the Senator from Illinois in which he said he thought the chairman had not taken the interest in this matter its importance demanded. I think everyone here knows that naturally from my location there is no public improvement in which I have felt such an interest and for which I have worked so hard as the improvement of the Mississippi River during the years that I have been on the Committee on Commerce of the Senate, and I want to say here to-day that no man in the Senate, I care not where he lives, has ever been a truer, a better, a more loyal and devoted friend to the Mississippi River than the chairman of the Committee on Commerce, the Senator from Maine. He has been its friend from the time I came to the Senate, and has done probably more to get appropriations for it than any Senator here.

In addition to what the chairman said, I wish to say to the Senator from Illinois that we did everything in conference that it was possible to do. We urged the amendment in every way we knew how to urge it. The House conferees, however, insisted in addition to the reasons given by the chairman—and I want the special attention of the Senator from Illinois to this—that a survey is provided for in the bill for the canal proposed to be built between Chicago and St. Louis, and also for a survey of the Mississippi River between Cairo and the mouth of the Missouri. A commission of very great power and great ability is created by the bill. It is proposed to make the depth of the canal 14 feet. If it should eventually be determined to build the canal, the other scheme on the Mississippi River of which the chairman spoke, which is one by revetment, and which will cost \$20,000,000 from the mouth of the Missouri River down to Cairo, would as a matter of course be provided for if there were a 14-foot channel from there to Chicago. But the House conferees insisted that they would not enter upon the expensive scheme of improvement costing \$20,000,000 between these points until the other matter was finally determined, or at least until the Commission had reported on both the canal and the river.

They also insisted that the amount in the bill was amply sufficient for dredging, to keep the Mississippi River from the mouth of the Missouri down to Cairo at probably 8 feet of water except in a very low stage, or, in other words, that the amount was sufficient for every purpose except for the scheme of revetment which they would not undertake.

Now, that is the condition. A part of the old appropriation has been left unexpended, I think \$200,000.

I will state also it was stated there that the matter was fought out in the House after full investigation, and I think only 17 votes were secured against the House provision. In view of that the House conferees stated that our contention was useless; that they would not agree to it; that they could not go back to the House and defend it after the House had so persistently stated that they would not increase it. Therefore the Senate conferees were compelled, knowing the situation, to yield.

I will state that it would be no benefit whatever to send it back to the conference committee, because I feel sure that under the surrounding circumstances the House conferees will never agree to the amendment of the Senate. The Senator from Illinois can not regret it any more than I do. I would have been glad to have got every dollar given by the Senate and more. We did all we could, and it was simply an impossibility to get them to agree to it. We either had to yield the amendment or lose the bill, and this the conferees on the part of the Senate were not willing to do.

Mr. CULLOM. Mr. President, I do not know that it is worth while for me or anyone else to say anything against this report. These conference reports are generally agreed upon by a sufficient number of members to secure their ratification in almost all cases.

When this bill was first reported to the House my understanding was that it carried some \$84,000,000. Subsequently, when it came to the Senate and was considered by the Committee on Commerce of the Senate, the amount was increased to over \$92,000,000. It occurred to me that in view of the fact that there was such a tremendous appropriation to be made in the interest of the commerce of the country, which I was gratified to hear was being done, surely the interests of Illinois and our

western Mississippi River would be well attended to. I do not know now but that it is, so far as the lower Mississippi is concerned and so far as the upper Mississippi is concerned. I do not know just how much the lower Mississippi carries in this bill. Perhaps the Senator from Arkansas can tell me.

Mr. BERRY. That is all right. The lower Mississippi, from Cairo down to the Gulf, carries an appropriation of \$3,000,000 for one year and \$2,000,000 for three years more. It is \$3,000,000 for the first year and then \$2,000,000 each for three years, the appropriation being made for four years—\$9,000,000 for the four years.

Mr. CULLOM. So the lower Mississippi gets between one and two million dollars a year for immediate use.

Mr. BERRY. A little over \$2,000,000.

Mr. CULLOM. And yet when it comes to Cairo or the mouth of the Ohio River, and from there up to St. Louis and the mouth of the Missouri, we do not get anything like the appropriation apparently that has been given to the lower Mississippi and to the upper Mississippi as well.

I can not quite understand why that should be so. I see in this bill that the House provision was stricken out and a substitute for it put in. I think the substitute put in does not carry as much money as the original provision.

Mr. BERRY. That is a mistake, as the Senate amendment will show.

Mr. CULLOM. I have not looked over it carefully.

Mr. BERRY. The chairman can answer as to that.

Mr. FRYE. The House provision gave \$250,000 a year and the Senate amendment proposed \$650,000 a year.

Mr. CULLOM. That was decided against by the conference. How much is the actual appropriation made?

Mr. FRYE. Two hundred and fifty thousand dollars.

Mr. BERRY. Just what the House gave.

Mr. CULLOM. We retain the same amount, then. I thought you had reduced it somewhat.

Mr. FRYE. No; it was not reduced.

Mr. CULLOM. But the thing we object to is that there has not been retained in the bill the appropriation of \$650,000, or whatever exact sum has been given heretofore, so that the work on that stretch of river can be continued, and that appropriation should not go out at all until we could finally settle upon some general proposition that ought to be adopted.

So far as I am concerned, I am in favor of a general waterway improvement from the Lakes to the Gulf, so that we can have 14 feet of water all the way from Chicago, for instance, I may say, to the Gulf of Mexico.

I anticipated when the appropriation was being made of such a large amount for the general purposes of improvement of the rivers and harbors that we would get that work started, but we not only failed in getting it started, but we have failed also in getting in the amount that we have heretofore had appropriated for the stretch of river between Cairo and St. Louis.

It seems to me, Mr. President, that we have not fared as well as usual, notwithstanding the tremendous appropriation that the Government is making in the interest of commerce throughout the whole country.

I suppose we have got to submit and allow this conference report to be adopted; but I want to give notice now that another year, when the river and harbor bill comes up, unless this general improvement of the waterways is provided for, and unless the stretch of river between Cairo and St. Louis is also provided for, so far as I am concerned, I shall resist the enactment of any river and harbor bill whatever.

Mr. MALLORY. I should like to ask the Secretary to read the amendments that the Senate conferees receded from.

Mr. BERRY. The report is printed in the Record.

Mr. MALLORY. I will get it there.

Mr. OVERMAN. I notice, Mr. President, on page 119, line 10, that there is a clerical error. I understand the conference report is to be adopted in the Senate before it goes back to the House for action, and I desire to know whether this clerical error can not be changed and corrected here?

The VICE-PRESIDENT. The Chair has not the print from which the Senator is reading before him.

Mr. OVERMAN. It is on page 119.

Mr. FRYE. Will the Senator from North Carolina yield to me a moment?

Mr. OVERMAN. I will.

Mr. FRYE. There is a mistake in the name of a river in one of the surveys, and the Senator from North Carolina would like to have that mistake corrected. I do not feel certain whether it can be corrected by unanimous consent, but I understand from the chairman of the conferees on the part of the House that it could be corrected there. The Senator from North Carolina desires

to know whether by unanimous consent we can correct that name.

The VICE-PRESIDENT. It would be necessary, in that event, to send the report back to conference.

Mr. FRYE. I think it has been usual, where it has been found that there has been a mistake, for a joint resolution to be passed correcting the mistake.

The VICE-PRESIDENT. It has been the practice heretofore to pass a joint resolution requesting the enrolling clerk of the House, in enrolling the bill, to make the correction, and that would be the proper course in this case.

Mr. FRYE. I think that can be done. It has been done within my knowledge.

The VICE-PRESIDENT. It has been done heretofore.

Mr. OVERMAN. Mr. President, I desire to protest against some of the methods which have been adopted in regard to the report upon items which had been adopted and placed upon the bill as it passed the Senate. I introduced an amendment in the Senate for the appropriation of \$200,000 to be expended in the construction of locks and dams upon the upper Cape Fear River. That question has been before Congress for several years. The scheme is feasible, and it has been estimated for by the engineers. The amount estimated for is \$1,300,000. The statement concerning it is:

The act of June 13, 1902, appropriated \$50,000 for the purchase of sites for locks and dams. A careful survey, consuming more than eleven months' time, was made for the purpose of locating the sites. This survey has been completed, the sites tentatively located, a number of borings made at each site, the locations approved, and prices obtained on all the lands necessary.

And the money has been appropriated to purchase the sites, as is shown in this report.

I understand the land necessary for one of the locks and dams has been purchased. Now, we have here the printed reports as sent by the engineers; but when the amendment is adopted by the Senate and it goes before the committee of conference we are met with a written supplemental report, or some sort of report. How it got here I do not know. Somebody has sent certain engineers down there since Congress has been in session, as I have been informed. I understand they went there and simply rode down the river. They sent to the House a written report to the effect that probably they might adopt another scheme for this improvement which would be cheaper. I protest against that way of doing business. It is unfair to the Senate, to say the least of it. That report ought to be before the Senate here, and printed, as all other reports upon this subject. If the Secretary of War or the engineer wanted to have the matter investigated, it should have been done before this session of Congress assembled, and the report should have come up here as other reports have come. I have not been able to get a copy of the report, although I have tried time and time again to do so. I repeat they had some sort of a report before the conference committee suggesting that in lieu of the proposition contained in the amendment adopted by the Senate another survey be made. I should like to get some information regarding the matter. I should like to know why these engineers were sent there and by whose authority, and why this matter was not reported on before, and why it comes up here in this way, with a written report that I have not been able to get. It seems to me to have been done for some purpose, in order to prevent this appropriation. It is an outrage upon the Senate. We are entitled to see that report.

I repeat, I want to protest against that method of doing business. I think if the reports had been submitted as they have been made from time to time this amendment which was adopted by the Senate would have been retained in the bill, because I believe the conferees on the part of the Senate would have insisted on its retention, and that it would have been incorporated and the appropriation made. But here comes this report saying that there might be another plan adopted by which some money might be saved to the Government. I want to know why that report has been made just at this particular time. It is evident that some one has been trying to defeat this appropriation by unfair means.

I want to incorporate in my remarks, Mr. President, some information in regard to the Cape Fear River improvement. I send it to the desk and ask to have it incorporated in the RECORD as a part of my remarks.

I wish to say further and to give notice that if this appropriation is defeated by these methods, at the next session of Congress, when the river and harbor bill comes up for consideration and the upper Cape Fear River is not provided for, I shall do all in my power to see that no bill of this kind passes.

The VICE-PRESIDENT. In the absence of objection, permission is granted to the Senator from North Carolina to insert in the RECORD the matter referred to by him.

The matter referred to is as follows:

*Improvement of the Cape Fear River, by E. J. Hale.*

[Published by order of the Chamber of Commerce.]

#### PREFACE.

In 1886 two English gentlemen (Lord Egerton of Statton and Sir Joseph Lee, afterwards the chairman and vice-chairman of the Manchester Ship Canal Company) asked the writer to make a report upon the Manchester Ship Canal. I inquired where it was. They said, "here," pointing to the forehead. I asked if it was feasible as an engineering problem to bring big ships to Manchester, an interior city. They sent their engineer to explain that. In reply to the same question, he said that anything was possible in engineering, provided the money necessary to pay its cost were forthcoming. The project then was a commercial one.

The commercial part of the problem was very simple when once presented—like Columbus's demonstration of how to make the egg stand on end, or any other of the great problems of man's conquest of nature that turn often upon the least complex of conditions if they are but comprehended. It was this: A circle described about a seaport lies half in the sea, where people do not dwell. A similar circle about an interior town lies wholly on the land. If it be convenient to convert the interior town into a seaport, it is manifest that it starts off with double the population—other things being equal—dependent upon it for transportation, to begin with. But it was found that, though Manchester was less than 40 miles from Liverpool, there were seven and a half millions of people nearer to it than to Liverpool or any other port. As it was certain that these seven and a half millions were bound, sooner or later, under the rule that all forces proceed along the line of least resistance, to seek Manchester as their port, the proposed port of Manchester became practically a city of seven and a half millions. Manchester was an interior mill center, dependent upon outports for ingress and egress from and to the world. Fayetteville had been such a center before 1865. The Manchester Ship Canal, using the waters of the Irwell and upper Mersey, was but 35½ miles long and cost \$75,000,000. The distance from Fayetteville to deep water was twice as great, whereas, on the commercial side, the population of Fayetteville was but 5,000, while that of Manchester and contiguous suburbs was over a million. Even under the rule that gave Manchester 7,500,000 of population, Fayetteville could show only 2,000,000 of population. So that Manchester had half the distance to canalize that Fayetteville required and nearly four times the population—eight to one against Fayetteville—but Manchester had to dig nearly the whole distance. Fayetteville had its canal already dug, which needed only to be narrowed by longitudinal dikes or plugged up with cross dikes, as the flow of water might be found to require. Therefore if the Cape Fear could be canalized for the distance of 70 miles for, say, \$1,500,000, that would be \$20,000 a mile against Manchester's \$2,000,000 per mile, and if it could be demonstrated that, say, 2,000,000 of people would be nearer to the port of Fayetteville than to any other port, then an expenditure of \$1,500,000 by our Government for the benefit of that 2,000,000 of its citizens would be but 75 cents a head, as against the British expenditure of \$75,000,000 for seven and a half millions of British subjects, or \$10 per head—plainly a proposition commercially sound.

Attention is especially asked to the fact that the jutting coast line of North Carolina and the situation of Fayetteville on what would be the normal coast line, is the crux of the matter. Our jutting coast line has rendered it impossible for the greater portion of the population of North Carolina to enjoy freight rates on equal terms with the people of other seaboard States, except approach be had through the port of Fayetteville. This peculiarity differentiates this from all other river propositions offered to the Government.

The following pages contain the literature on this subject worth perusing, and the whole is presented to the people of North Carolina—whose interests, as the legislature has repeatedly declared, will be so greatly affected by the restoration of Fayetteville to its former commercial relation to the interior—for their information and consideration.

E. J. HALE,

*Chairman of Citizens' Committee on Improvement of the Cape Fear.*

*Presentation of case before the Committee on Rivers and Harbors January 14, 1902, by E. J. Hale, chairman of citizens' committee, of Fayetteville, N. C.*

#### IMPROVEMENT OF THE CAPE FEAR RIVER.

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: By your courtesy I have the honor to present to you the grounds upon which the people of North Carolina ask that you retain in the bill which you are to report to the House of Representatives the item providing for an appropriation for the improvement of the Cape Fear River between Wilmington and Fayetteville. I say the "people of North Carolina," because, by a resolution of the last legislature (a copy of which I hand to you, and which I have marked "Exhibit No. 1"); the State has adopted this project as a State affair, a course which it has pursued toward no other scheme of river or harbor improvement within its borders.

On the 1st of June, 1900, a bill was passed by Congress for a survey, with a view to obtaining a navigable channel from Wilmington to Fayetteville of 4, 6, or 8 feet depth at mean low water.

On the 24th of November the Government engineer officer at Wilmington, Captain Lucas, submitted his report of the survey which he had made, recommending a plan for slack-water navigation with a minimum depth of 8 feet of water, the difference in the cost of securing 4, 6, or 8 feet being insignificant. The plan recommended provides for three locks, with a lift of 9 feet each, with a chamber 150 feet long and 28 feet wide, and a movable dam some 170 feet long, the form of lock and dam proposed being similar to those used in the Kanawha River. His report will be found in House Document No. 180 of the second session of the last Congress.

By a misunderstanding on the part of those having charge of the promotion of this improvement, the statistics necessary to prove a "commercial case" for it were not supplied to Captain Lucas in time for his regular report, which is required to be started on its way to the Secretary of War by the 20th of November. His report upon this subject, therefore, did not come to your committee from the Secretary of War until after your bill had practically been drawn; and the item for the carrying out of Captain Lucas's recommendation was for this reason—I trust I am right in saying for this reason only—not included in the bill reported by you. It was added in the Senate, and an appropriation of \$250,000 voted to begin the work, which sum was



reduced to \$150,000 in the conference committee of the two Houses; and, with the item in this form, the bill was passed by the House.

We now ask that you retain this item in the new bill which you are about to report.

North Carolina was once called "a strip of land between two States." As the State was the third in population at the First Census, and as it has a record of which anyone may be proud, being inferior to that of none of the original thirteen which achieved our independence, I assume that the gibe had reference to our commercial attainments, which have been inferior to those of our neighbors. This inferiority was palpably the result of our want of large seaports, but the reason for this deficiency, which has been the theme of unnumbered discussions, was obscured by the overworking of the railroad idea, under which railroads were held to be "annihilators of space." Recently the conception of the unit of transportation value as "per ton per mile" has revealed the real reason to students of our geography.

If you will be good enough to look at the map which I submit, and which I have marked "Exhibit No. 2," you will observe that the coast line of North Carolina juts out far beyond the general coast line—namely, the line running from New York, where the first great recession takes place at the North, to Savannah, where the last recession culminates at the South. The effect of this peculiarity is to place our seaports at such a great distance from the back country that the ports of our neighbors, Richmond on the north and Charleston on the south, are nearer to much of it than they. The normal seaport is on a line with its rivals. The ideal seaport is on a line (between its rivals) that presents a salient angle to landward and the reentrant angle to seaward. With us, our jutting seacoast causes those angles to be reversed in the case of lines drawn from any of our seaports to Richmond on the one side and Charleston on the other. Now, the traffic influence of any port, under the rule of equal charges per ton per mile, reaches half way to the next port. If, therefore, we should delimit the territory tributary to the ports under consideration by drawing lines at right angles across the halfway points of air lines between them, we would find that these right-angle lines converge until they meet within the territory of our own State, instead of remaining parallel, as they would do in the normal port, or diverging, as in the case of the ideal port. The result of these physical conditions is such that if, instead of the commerce-repelling Hatteras, the eastern beak of North Carolina inclosed the best harbor in the world and a four-track railway connected it with the interior, it would remain as insignificant as Morehead City is to-day, which has a fine harbor and is connected with the interior by a State railway.

Before the railroad era, and when conditions were much nearer to nature than now, the force of the wagon-borne traffic in a wide area proceeded along the line of least resistance and found water at Fayetteville, which is the head of navigation on the Cape Fear and the inland end of the improvement now asked for. By reference to the map it will be seen that Fayetteville lies 50 miles west of a line from Norfolk to Charleston, the nearest existing "basing points for freight rates;" a little to the west of a line from Richmond to Charleston, and on the line from New York to Savannah, the normal coast line. Wagon-borne traffic a century ago from central and western North Carolina, southwestern Virginia, and northeastern South Carolina naturally, therefore, fixed upon this town as its port, for it was nearer to them than any other. By a striking, but entirely logical, coincidence the territory whence this ancient traffic came is almost precisely the same as that which this improvement would delimit under the rule of equal railway charges per ton per mile.

What we are asking, then, is not the establishment of novel conditions, disturbing natural ones, but the restoration of conditions as old as our civilization and as natural as the flow of water.

These conditions have been changed by circumstances which it would consume too much of your time to recount in detail—antagonisms resulting from the different origin of the immediate settlers of the Cape Fear and the Albemarle sections; errors of State policy, as in the attempt to build up a great port near the eastern coast line; the novelty of through railway trains which the necessities of the Confederacy caused to be established on north and south going railways; the partial destruction of the town by war in 1865; and deforestation at the headwaters of the Cape Fear, which curtailed the boating period in summer and rendered the river an easy prey to those competing railways.

While these circumstances have retarded the restoration of normal conditions in Fayetteville, the same fierce competition which has hampered out the unit of railway transportation has caused the establishment there of many thriving industries—cotton mills, silk mills, and the like—and the cheap freight rates which they enjoy have turned the eyes of the State again to this ancient capital. The result is the recognition of the geographical peculiarities which I have referred to, and which are more fully described in the note appended to the map which I have submitted; the realization that, except approach be had through the port of Fayetteville, freight rates on equal terms with those enjoyed by the people of other seaboard States are impossible for North Carolina; and the embodiment of these facts in the unanimous resolution of the general assembly, asking for this appropriation, which I presented to you at the outset.

Now, while it is plain that the reasons recited amply justify the State in her present attitude toward this proposed work, and while it is true that the General Government has, by its action in taking over this river and making it a national highway, "undertaken the serious responsibility of improving and developing it," it does not follow that it is called upon to undertake a scheme of improvement more costly than a reasonable expectation of results would justify. We have therefore made an estimate of these results based upon the method employed in England for "proving" a commercial reason for the granting of a charter by Parliament for works of this kind. This method, which is self-evidently sound, is described on pages 5 and 9 of the United States Government report on the Manchester Ship Canal, a copy of which I submit, marked "Exhibit No. 3." It is assumed that the population which is nearer to a given port than to any other port is bound sooner or later to become trafficably tributary to it.

The existing traffic on the Cape Fear River between Wilmington and Fayetteville amounts to 115,000 tons, valued at \$1,150,000. The existing railway traffic in and out of Fayetteville is 112,285 tons, valued at \$5,812,614. The population in the territory shown on the map between the lines AA, B, and CC, and which is nearer to Fayetteville and the part of the river involved than to any other port, is some 2,000,000. The population concerned in the production of the existing river and railway traffic in and out of Fayetteville is 61,000. The territory, then, which is nearer to Fayetteville than to any other port contains a population thirty times as great as the population at present tributary to Fayetteville.

We therefore have this proposition:

	Tons.	Value.
Existing river traffic.....	115,000	\$1,150,000
Three-fourths (the divertible portion) of existing railway traffic in and out of Fayetteville— $4 \times 112,285$ tons and $4 \times \$5,812,614$ .....	84,221	4,359,460
In round numbers.....	200,000	5,500,000
Thirty times these figures would give the tonnage and value of traffic which, other things being equal, would find a cheaper route to and from the great markets by way of the Cape Fear River if improved as suggested—that is, $30 \times 200,000$ tons and $30 \times \$5,500,000$ .....	6,000,000	165,000,000

If the proposed improvement were a private undertaking requiring tonnage charges for the payment of interest on its cost, it will be seen that a tax of 1 cent a ton on the estimated traffic would pay 5 per cent interest on a million and a quarter of dollars. An elaboration of this calculation and other details will be found in the Report of the Citizens' Committee on Improvement of the Cape Fear and the accompanying "note," which I also submit, marked "Exhibit No. 4."

Some other considerations in favor of this project may be briefly noted:

The proposed appropriation would merely replace the present scheme, which calls for an expenditure of \$275,000, about half of which has been expended, and which is worthless, as declared by the Government engineer.

The two millions of people affected by the proposed improvement, and whose traffic has been diverted from the river by railroads and deforestation, developments of civilization, are as much entitled to consideration as if they were herded in a seaport whose harbor had been made relatively shallower by the use of deeper drafted ships, another development of civilization.

Formerly, vessels were adapted to rivers and harbors. Now, harbors are being adapted to vessels, and rivers should be also.

The Manchester Ship Canal cost \$75,000,000, or \$2,000,000 per mile. The canal for 8 feet of water from Wilmington to Fayetteville, 120 miles, is already dug, and an expenditure of \$11,000 a mile (or \$1,350,000) will complete it. Seven million five hundred thousand people are affected by the English work, 2,000,000 by the proposed American work—or \$10 per capita for the Englishman and 75 cents for the American. Our commercial status in the world should justify at least this small per capita contribution to such a large body of our people, for we are not less wealthy than England.

I do not know, Mr. Chairman and gentlemen, how far you may feel influenced by the sentiment that a great State asks you for this appropriation, nor how far its relation to the nation, under our political system, may attract your attention to its requests, but I think I have made out a "commercial case" for the proposed legislation, and I would ask that you add the other two considerations for good measure.

#### EXHIBIT No. 1.

*Resolution of the general assembly of North Carolina requesting the Senators and Representatives in Congress from that State to exert their united influence to secure the adoption of the plan for improving the Cape Fear, recommended by Captain Lucas, United States Army, as transmitted to Congress by the Secretary of War.*

Whereas the maintenance of water transportation in competition with rail is of the greatest importance to all of the citizens of the entire Cape Fear section; and

Whereas the Chamber of Commerce of the city of Fayetteville, and the Chamber of Commerce, the Produce Exchange, and the Merchants' Association of the city of Wilmington have secured a survey and a recommendation for an appropriation for the improvement of the Upper Cape Fear River; Therefore,

*Resolved by the senate (the house of representatives concurring).* First, That our Senators and Representatives in Congress be requested to exert their united influence to secure the passage of an amendment to the river and harbor bill at this session authorizing the adoption of the plan for improving the Cape Fear River, recommended by E. Van C. Lucas, Corps of Engineers, United States Army, Wilmington, N. C., as transmitted to Congress by the honorable Secretary of War.

Second, That a copy of this resolution be forwarded to each of our Senators and Representatives.

In the general assembly read three times, and ratified this the 18th day of January, A. D. 1901.

[Captain Lucas's plan provided for slack-water navigation between Wilmington and Fayetteville so as to secure an 8-foot channel at low water. The bill for this purpose was adopted in the conference committee of the Senate and House, and an appropriation made for beginning the work. It was, however, lost along with the rest of the rivers and harbors bill, on March 4, 1901. In April, 1902, the scheme for canalization, as above, costing \$1,350,000, was adopted by Congress, and \$50,000 appropriated for buying sites for locks and dams. The reports of the Chief Engineer of the Army, General Mackenzie, for 1904, 1905, and 1906, carried this scheme among his recommendations.]

#### EXHIBIT No. 2.

*Extract from report of Consul Hale to Department of State, June 1, 1888, describing the grounds upon which Parliament passed the act providing for the construction of the Manchester Ship Canal.*

Before an act could be obtained for the construction of the ship canal it was, amongst other things, necessary to prove that the traffic was sufficient to justify the construction of so great a work; and it may be of interest to merchants if I name some of the figures established in spite of the most able opposition, for the scheme was opposed by all of the railway companies and by the enormous influence brought to bear by Liverpool.

In my general report upon the Manchester Ship Canal undertaking I stated that more than 150 industrial towns would be affected by that great enterprise. Exhibit No. 1 is a map upon which the area is indicated within which these industrial towns are comprised, the boundary of which area includes 7,500 square miles. This is equal to one-sixteenth of the entire area of the United Kingdom.

The population inhabiting this area is quite 7,500,000, representing

about one-fifth of the total population of the United Kingdom. The principle upon which the boundary line of this area has been fixed is the illustration of the mean distance between the nearest ocean-steamer ports now existing and the ship canal which is now in course of construction. A glance at this map will show that the most remote point from the canal in any part of the area is quite as near to the ship canal as to any of the ports named on the map which are the existing ocean-steamer ports.

E. J. HALE, Consul.

EXHIBIT No. 3.

IMPROVEMENT OF THE CAPE FEAR RIVER.

FAYETTEVILLE, N. C., December 6, 1900.

DEAR SIR: Some fifteen months ago the business men of this section began to agitate the subject of improving the Cape Fear River between this city and Wilmington, so as to secure a uniform minimum depth of water throughout the year of 4, 6, or 8 feet. Such control of internal waterways by engineering devices is common in the highly civilized states of Western Europe, and it seemed to us that there was no reason why our great country, with its greater wealth, should lag behind those naturally less favored nations in its treatment of such an important matter.

In North Carolina the Cape Fear River would, of course, first attract the Government's attention, if it should share our views on the general subject, because of the commercial history of the river, and of Fayetteville as the head of navigation thereon, in the period before the railroad era disturbed natural conditions. Even since that era set in, and in the face of changed conditions of transportation which it established, the Government has felt called upon to take over control of the river between Wilmington and Fayetteville and to make Fayetteville a port of entry. Replacing the old Cape Fear Navigation Company, which operated under the State's charter, it has sought, by a system of jetties, to arrest the effect of deforestation upon the river's water supply. The object of the movement which we are now bringing to your attention is to induce the Government to substitute for this crude and insufficient method the modern system of treatment of internal waterways which is employed in Europe and which is now being taken up in some portions of this country.

The proposition to this end at once engaged the attention of Captain Lucas, the enlightened engineer officer of the United States Army stationed at Wilmington. At his suggestion an appropriation for a preliminary survey of the river between Wilmington and Fayetteville was secured just before the adjournment of Congress in June last. The survey was completed in November, and the fact demonstrated that by the construction of two or more locks a uniform minimum depth of water 4, 6, or 8 feet could be secured throughout the year, according to the appropriation which might be made by Congress.

The movement for this appropriation has been chiefly conducted by the Chamber of Commerce of Fayetteville, but it has been heartily taken up and approved by the Chamber of Commerce of Wilmington and by the Produce Exchange and the Merchants' Association of that city. It has also attracted widespread interest beyond the Cape Fear section and, so far as we are informed, is approved throughout the State. The Raleigh News and Observer, for example, said, "The improvement of the Cape Fear becomes a matter of great importance in which the whole State will cooperate with Fayetteville." More recently, Justice Walter Clark, in a paper which he was requested by the Raleigh Chamber of Commerce to write on the subject of the commercial needs of that city, urged the importance of securing "the competition of water rates at our nearest river port," Fayetteville.

On the 15th of November just past, Captain Lucas explained to a meeting of our citizens the necessity for demonstrating that the interests involved were sufficient to justify the Government's action, before he could recommend such an appropriation as would be required. The undersigned were appointed a committee for that purpose, and their report is appended. By this you will see that the "commercial case" is proved many times over and that the pecuniary interest of nearly the whole population of North Carolina, as well as the convenience of most of them, is involved.

Attention is asked to the obvious fact that while the proposed improvement would result in a relocation of the points of freight dispersion entirely in the interests of North Carolina, the effect upon the railways within our borders would be to secure eventually a large accession of business which the restoration of the natural trade route of the State would create and that this would many times repay them for the comparatively small business which they would lose. (See also note herewith inclosed.)

Our object in addressing this communication to you is to ask your earnest cooperation with us in bringing every available influence to bear on Congress in behalf of this great work.

We request a reply, with such suggestions as may occur to you, and have the honor to be, dear sir,

Yours, respectfully,

E. J. Hale, R. L. Williams, A. H. Slocumb, W. L. Holt,  
W. M. Morgan, H. C. Bash, F. R. Rose, W. S. Cook,  
J. A. King.

REPORT OF THE COMMITTEE.

FAYETTEVILLE, N. C., November 21, 1900.

Capt. E. W. VAN C. LUCAS,  
Corps of Engineers, U. S. Army, Wilmington, N. C.

SIR: The undersigned, the committee appointed at the citizens' meeting held on the occasion of your visit on Thursday last, have taken up the subjects of inquiry suggested by you, and have pleasure in reporting as follows:

**The present river traffic.**—The tonnage of the traffic by the steamboats between this city and Wilmington, as reported to the United States engineer's office at Wilmington for the year ending December 31, 1899, was, in round numbers, 115,000. We are informed that its value would average \$10 per ton, which would give a total value of \$1,150,000.

**Existing local railway traffic which would seek the river if improved.**—In reply to printed forms issued to our merchants, traders, and manufacturers, made out where necessary under our supervision, we find that there have been received at and shipped from Fayetteville by rail during the past twelve months 112,295 tons of merchandise of all kinds, valued at \$5,812,614. It is estimated that at least three-fourths of this would at once be diverted to the river for transportation if the proposed improvements were made and the speedy and regular dispatch of freight which it would make possible were established.

**Traffic from a distance which would be diverted to the river if Fayetteville were made a "basing point."**—We are informed that as soon

as the proposed improvement in navigation and the dispatch of freights is effected Fayetteville would be made what the traffic managers call a basing point for freight rates. The effect of this, we are informed, will be to cause all railways which run within the territory thus tributary to Fayetteville to make rates from Fayetteville. By the term "the territory thus tributary to Fayetteville" we mean all the country which is nearer to Fayetteville than to any other basing point, the railway commission laws requiring the rates therein to be proportionately less than to such other basing points.

We inclose a map which will show the territory thus delimited as tributary to Fayetteville. The basing points nearest to Fayetteville are Richmond and Norfolk, Va., on the north, and Charleston, S. C., on the south. We have drawn lines at right angles across air lines between Fayetteville and the three cities named, respectively, and at points midway between Fayetteville and them. Line A is the dividing line between Richmond and Fayetteville; line B, the dividing line between Norfolk and Fayetteville, and line C, that between Charleston and Fayetteville. It will be seen that while the northeast section of North Carolina falls within the territory allotted to Richmond and Norfolk, a considerable portion of southwest Virginia and a considerable portion of northeast South Carolina, each larger than the first mentioned, falls within the territory of Fayetteville. As the improvements referred to would also cause Wilmington to be made a basing point, the map would be changed thereby to a comparatively small extent, the effect of the change being to add more to the joint territory of Wilmington and Fayetteville.

We also inclose a copy of a United States Government report on the Manchester Ship Canal (see preface), in which is described the manner employed in Great Britain for "proving" a commercial reason for the granting of a charter by Parliament for such an undertaking. We shall, in this case, employ the same method in a general way, because such matters in the older countries have necessarily reached a more exact standard. An important consideration in our favor in relying upon such a method is the fact that the railway commission laws in this country now require connecting lines to transport freight delivered to them whether a tariff of through rates has been established or not, and, as before mentioned, at rates proportioned to the "length of haul."

Without entering upon a consideration of how far westward beyond the borders of North Carolina the traffic influence of the proposed improvement would extend, we ask attention to the significant coincidence that the territory now delimited on our map is almost the same as that which was tributary to Fayetteville in the last of the eighteenth century and in the first part of the present century up to the railroad era. The fact that Canova's statue of Washington was brought from Italy to Wilmington, was thence landed at Fayetteville, and finally hauled overland to Raleigh in the latter period is merely an illustration of the general conditions of transportation at that time. The proposed improvement, therefore, would not establish a novel condition, but would restore the normal relation of the Cape Fear to a vast territory which the overworking of the railroad idea and the effect of deforestation upon the water courses have disturbed. Or we may state the case this way: That it would be the reestablishment of normal conditions by a development of the problem of transportation, which conditions had been disturbed by a cruder stage of the movement.

Within the limitations of our map, as thus restricted, it will be seen that there is a population equal to that of the State of North Carolina (some 1,900,000). The population, which by a liberal estimate might be considered as involved in one way or another in the production of the existing river traffic and the existing railway traffic divertible to the river, in and out of Fayetteville, may be said to include that of Cumberland County, in which Fayetteville lies (30,000), and one-fourth of that of the contiguous counties of Sampson (7,000), Bladen (5,000), Robeson (9,000), Moore (6,000), and Harnett (4,000)—a total of 61,000. The territory, then, on the map this side of the Blue Ridge contains a population thirty times as great as the population at present tributary to Fayetteville.

We therefore have this proposition:

	Tons.	Value.
Existing river traffic.....	115,000	\$1,150,000
Three-fourths (the divertible portion) of existing railway traffic in and out of Fayetteville— $\frac{3}{4} \times 112,295$ tons and $\frac{3}{4} \times \$5,812,614$ .....	84,221	4,359,460
In round numbers.....	200,000	5,500,000
Thirty times these figures would give the tonnage and value of traffic which, other things being equal, would find a cheaper route to and from the great markets by way of the Cape Fear River if improved as suggested—that is, $30 \times 200,000$ tons and $30 \times \$5,500,000$ .....	6,000,000	165,000,000

In this connection it is worth noting that Mr. Walter L. Holt, one of the chief owners of cotton mills in this county and in Alamance County, a hundred miles distant, finds that he gets his oils, dyes, and machinery and ships his finished products by river from his Fayetteville (Cumberland) mills for an average of but half the freight rate which he is obliged to pay by rail to and from his Alamance mills.

**The railway commission's figures.**—We further inclose a letter from the North Carolina corporation (railway) commission (see envelope marked "Exhibit C"), from which it will be seen that the actual freight traffic movement for the past year over the roads converging at Fayetteville and within the territory indicated on our map amounted to 1,497,979 tons, or one-fourth of the tonnage (6,000,000) which we have estimated by the per capita method for the whole territory east of the mountains. It will be observed also that the commission's letter expresses the hope that "the Government will see the importance of this station (Fayetteville), which, by reason of its situation, should again become the distributing point for the central and western North Carolina territory."

Attention may also be called to the fact that Fayetteville, at the head of navigation 100 miles inland, is the only point on the Atlantic Coast Line between Richmond and Charleston (the present basing points) which is situated on navigable water.

How far the inertia of settled routes of trade may act in restraint of the possibilities indicated above is, of course, a matter of conjecture.

**The commercial case.**—We assume that while the Government undertakes works of the kind now proposed for the public benefit and with-



out expectation of a direct return for the outlay, it is nevertheless influenced by the same considerations which influence private capitalists—that is to say, if the cost of the proposed improvement should be \$1,000,000, it would be a sound commercial undertaking, commending itself to the Government from this point of view, if the additional traffic secured by reason of the outlay, or the resultant economies of transportation on existing traffic, should yield 5 per cent on that amount. Five per cent on \$1,000,000 is \$50,000. It is apparent that the economies of transportation which such an improvement would render possible—twelve months' running of the boats instead of nine months, the cheaper proportionate handling of larger loads, etc.—would leave a margin for tolls for the use of the improved waterway, if the work were done by a private corporation, far in excess of the reasonable rate of 5 per cent on a million dollars. An average of 25 cents a ton on the class of freight (115,000 tons now carried by the river and of 50 cents a ton on the class of freight (84,221 tons) now carried by the railways in and out of Fayetteville, but divertible to the river, would produce a revenue of \$70,800, or over 7 per cent on the existing Fayetteville traffic alone. A toll of 10 cents a ton would more than pay for the whole investment of \$1,000,000 in two years, if all the traffic of the tributary country were diverted this way. Such speculations as to what might be done if the river were the property of private capitalists instead of that of the Government are useful as indicating how very far within the margin of commercial safety the Government would be acting if it should make such an expenditure.

We desire, in conclusion, to heartily reiterate for ourselves the expression of thanks which the meeting that appointed us unanimously voted to you, sir, for the interest which you have taken in this great work.

We remain, with high esteem,  
Yours, obediently,

THE COMMITTEE AS ABOVE.

#### NOTE TO EXHIBIT NO. 3.

If it be asked why Government aid for such a large scheme of improvement should be sought for this particular river, a glance at a map of the Atlantic seaboard States will answer the question. It will be seen that the coast of North Carolina juts out far beyond the general coast line; that Fayetteville, at the head of navigation on the Cape Fear River, and 100 miles inland, lies on an air line between the seaports of New York and Savannah; that it is 50 miles farther west (that is, farther inland) than an air line between Norfolk and Charleston, the nearest existing "basing points for freight rates;" that the Cape Fear is the only river in North Carolina with its 300 miles of seacoast which flows directly into the sea; that it reaches the sea at a point where the abnormal coast line has receded almost to the general line, and that these geographical peculiarities result in placing the head of navigation of this river nearer to a large, populous, and highly developed territory than that of any other river south of the James. In harmony with this fact and before natural conditions were disturbed by the north-and-south-going railways and by deforestation at the headwaters of the river, Fayetteville was the shipping and receiving port for the immense territory comprised in central and western North Carolina and for parts of Virginia and South Carolina; its banking capital in 1827, when the population of this tributary territory was but half a million, was a million and fifty thousand dollars, whereas its present banking capital is but \$200,000, with the population increased to two millions; it was in that former period the seat of the only branch of the Bank of the United States in the State, and of the arsenal the largest, with one exception, in the Union, and it has since been distinguished from other river towns by being made a port of entry. Finally, by this last-named act, the Government in effect converted the river from Wilmington to Fayetteville into the harbor of Fayetteville and placed itself under obligations to treat the port of Fayetteville on a plane with other ports having 2,000,000 of people dependent on them for economy in transportation.

Copy of letter addressed to the Senators and Members of the House of Representatives from North Carolina.

CITIZENS' COMMITTEE ON IMPROVEMENT OF THE CAPE FEAR,  
Fayetteville, N. C., February 17, 1902.

Hon. \_\_\_\_\_, Washington, D. C.

DEAR SIR: A newspaper correspondent has stated that at the recent hearing of the North Carolina delegation before the Rivers and Harbors Committee the suggestion was made that the granting of the appropriation asked for for the improvement of the Cape Fear River between Wilmington and Fayetteville would render it necessary to grant "at least \$175,000,000 elsewhere." We would ask your attention to the fact that the reported suggestion is without weight for the following reasons:

1. The improvement of the sundry rivers scattered over the United States, which might require the expenditure of \$175,000,000 if improved in the manner proposed for the Cape Fear, would establish novel conditions—that is, it would create trade routes that never existed in the past, whereas the proposed improvement of the Cape Fear would merely restore natural conditions; that is, reestablish trade routes disturbed by an incomplete development of the problem of transportation.

2. Fayetteville is the only port in the United States lying nearer to 2,000,000 of people than any other port, which is not a "basing point for freight rates," the condition precedent of economical transportation service. Yet it is the only port so situated which has received nothing from the Government calculated to render it capable of becoming such a basing point.

3. Fayetteville is precisely on all fours with Richmond, Va. Both are upriver ports, Richmond being just below the first falls of the James and Fayetteville just below the first falls of the Cape Fear, and both having a large back country dependent upon them for economy of transportation. There are no other ports on the seaboard similarly circumstanced; yet the Government has granted millions since the war (and properly, too) to Richmond in order to improve the James in such a way as to preserve Richmond's relative position as a port, and not a cent to preserve Fayetteville's.

4. The appropriation asked for for the Cape Fear is distinguished from all others in the Union in the respect that it is asked for by the State—a State that contains one-fortieth of the population of all the States and about one-twentieth of the population of all the seaboard States; whereas its total askings (\$515,000) amount to less than the hundredth part of the sixty millions proposed for the total rivers and harbors bill.

5. Lastly, the appropriation for the improvement of the Cape Fear was included in the bill which was passed by the House a year ago,

and which, nevertheless, included appropriations for none of the rivers upon which the alleged one hundred and seventy-five millions would have to be spent.

Trusting that you will find it convenient to bring the foregoing points to the attention of the proper parties, if need be, we remain, dear sir,

Yours, obediently,

E. J. HALE, Chairman.

*Resolution of the general assembly of North Carolina, passed February 6, 1905, requesting the Senators and Representatives in Congress from North Carolina to use their united influence to secure proper appropriation for carrying out the scheme to improve the Cape Fear River, as recommended by General Mackenzie, Chief Engineer of the Army.*

Whereas the maintenance of water transportation in competition with rail is of the greatest importance to the entire Cape Fear section; and

Whereas the citizens and commercial associations of Fayetteville and Wilmington secured a survey and recommendation by Capt. E. Van C. Lucas, Corps of Engineers, United States Army, for the improvement of the upper Cape Fear River; and

Whereas the scheme as recommended for the canalization of said river, contemplating an expenditure of \$1,350,000, was adopted by Congress in April, 1902, and an appropriation of \$50,000 made for purchasing sites for locks and dams; and

Whereas General Mackenzie, Chief Engineer of the Army, has recommended in his report, both last year and this, that this great scheme be carried out as adopted: Therefore,

Resolved by the senate (the house of representatives concurring), First. That our Senators and Representatives in Congress be requested to use their united influence to secure the passage of an amendment to the river and harbor bill at this session making a liberal appropriation for this great scheme for improving the upper Cape Fear River.

Second. That a copy of this resolution be sent to each of our Senators and Representatives in Congress.

MR. STONE. Mr. President, I desire to enter my protest as positively as I can against the adoption of this conference report. The amendment adopted by the Senate for continuing the improvement of that stretch of the Mississippi River between the mouth of the Missouri and Cairo ought to be insisted upon. The bill as it came from the House provided \$250,000 per year for four years for that stretch, and the Senate increased that amount to \$650,000 per year. The Senate conferees report that they have agreed to recede from that amendment, and it is against that I enter my protest.

I have heard what the Senator from Arkansas [Mr. BERRY] said about it; that the Senate conferees had insisted as strenuously as they could on retaining the Senate amendment, but that it was impossible to secure the concurrence of the House conferees. Of course I must accept that as the judgment of the Senator from Arkansas, but I must say that if I had been a conferee I would not have brought that report in here, if I could have kept it back, without the concurrence of the House conferees in this amendment. The Senate amendment ought not to have been abandoned. It is a great mistake from the standpoint of the public interest, and it is a gross injustice to the people of the upper Mississippi Valley—aye, of the whole Mississippi Valley—to strike this Senate amendment out, for, in effect, it amounts to a practical abandonment of all work looking to the permanent improvement of that very important section of the river.

There is no more important stretch of this great river than that between the mouth of the Missouri and the mouth of the Ohio. The appropriation made for the improvement of the Mississippi River above the mouth of the Missouri has been largely increased over former years, and wisely so, and there is also an adequate appropriation made for the improvement of the Mississippi below the mouth of the Ohio; but here is a stretch of approximately 200 miles, between the mouths of the Missouri and Ohio, which is practically deserted, so far as permanent improvement goes. This stretch runs down between the States of Illinois and Missouri and by several of the most important commercial points in the great valley of the Mississippi, and yet the disastrous and fatal policy of practically deserting and abandoning it is here proposed.

Mr. President, is it sensible from a business point of view, is it the exercise of wisdom and sound judgment, to expend millions to improve, deepen, and control the channel above the mouth of the Missouri and at the same time neglect the continuing stretch between the Missouri and the Ohio? Of course, I heartily approve the improvement between St. Paul and the Missouri, but are the ends of commerce properly subserved if the stretch below the Missouri is slighted, discriminated against, and neglected? What comes down from the north must pass St. Louis and Cairo if it goes to the Gulf.

Some years ago all work of consequence on the Missouri River was abandoned. The Missouri River Commission was abolished, and appropriations, except in small sums for specific purposes, were discontinued. But once more an effort is being made to put the Missouri on the map again. This year and in this bill \$400,000 are appropriated for improving the Missouri

River. The commercial interests of Kansas City, St. Joseph, and Omaha have projects for establishing boat lines on the river. Some \$250,000 have been subscribed at Kansas City to provide a line of boats and barges for use on the Missouri between Kansas City and St. Louis, and several boats are already in commission. Omaha is moving in the same direction. What this bill does for the Missouri is not much, but it is better than nothing. I hope it is the beginning of a wiser, better, and more liberal policy toward the Missouri. It is an encouragement, and it is designed to encourage—aye, to invite—the great commercial forces along the Missouri to turn their attention to river transportation; but whatever goes down the Missouri must cross this stretch of the Mississippi between the mouth of the Missouri and the mouth of the Ohio if it is to go to the sea. Here we are proposing to improve the Missouri and the upper Mississippi and to improve the lower Mississippi, and for those three purposes we are to appropriate between eleven and twelve million dollars, and yet for this great connecting link, nearly 200 miles in length, we propose to appropriate only \$250,000 a year, not more than enough to provide, maintain, and operate two or three dredge boats, and let all permanent improvement go to the demnition bow-wows. It is simply amazing.

Mr. President, I beg the indulgence of the Senate while I endeavor to make this matter more clearly understood. In 1881 the plan for improving this stretch of the Mississippi was determined upon. It contemplated confining the flow of the river to a single channel having an approximate width below St. Louis of 2,500 feet at bank-full stage, the natural width in places being a mile or more at mean high water. In confining the volume of water to a channel of this width the velocity increases and, if the width be maintained, the river cleans its own channel and deepens its own bed. This result was to be attempted by closing sloughs and secondary channels and by building out new banks where the natural width is excessive, using for this purpose permeable dikes or hurdles of piling that collect and hold the solid matter that is carried in suspension or rolled on the bottom by the river. The banks, both new and old, were to be revetted, or otherwise protected where necessary, to secure permanency and prevent erosion. The object of this improvement was to obtain eventually a minimum depth of 6 feet from the mouth of the Missouri to St. Louis and of 8 feet from St. Louis to the mouth of the Ohio at standard low water.

Mr. President, this scheme is what is known as the "permanent work," and has repeatedly been declared to be practicable from a technical standpoint. I hold in my hand an extract from the report of the Board of Engineers on Rivers and Harbors, commonly called the "reviewing board," made in 1903-4, as to the feasibility or practicability of this scheme. Here is what the Board said:

The Board has the honor to submit the following statement of its recommendations and conclusions:

(a) A suitable channel in the Mississippi River between St. Louis and Cairo is one 8 feet deep, 200 feet wide where alignment is favorable and of suitably greater width where alignment is unfavorable, adapted to a barge navigation throughout all seasons of the year, except when the river is closed by ice. A suitable channel from the mouth of the Missouri to St. Louis is a steamboat channel 6 feet deep at low stages.

(b) To secure this result by contraction work and shore protection is practicable.

There is the statement made by this board of engineers, as late as two or three years ago, concurred in by all the members of the board, and made after a special and exhaustive examination on the ground. Ten or fifteen years after the scheme was adopted, and after a great part of the work had been constructed at large expense, the Board of Review, the highest engineering authority connected with the work of improving rivers and harbors, unanimously reports that the scheme is practicable and that the work can be successfully completed. Who speaks to the contrary?

Mr. President, in 1896 the original plan of 1881 was somewhat modified so as to provide for incidental dredging, and two dredges were supplied by the provisions of the river and harbor act of that year for use on that stretch of the river. A resolution of the House Committee on Rivers and Harbors, which was transmitted to the Chief of Engineers by the honorable chairman of the Rivers and Harbors Committee of the House on April 25, 1903, directed the board of engineers to investigate, with a view to ascertaining whether by dredging or otherwise a suitable channel could not be maintained at less expense than in accordance with the project of 1881. The board investigated, in pursuance of that resolution, and in November, 1903, recommended that a dredging plant be provided by Congress, so that the work might be extensively prosecuted by dredging and temporary expedients until the permanent work should be com-

pleted. The board believed that dredging would provide the results desired at a minimum expense and in the shortest practicable time, if used more extensively in connection with the permanent work. Tentative estimates were submitted, with a specific recommendation that \$1,200,000 should be appropriated for the dredging plant in one sum, to insure operation for at least three years. It was estimated that the annual cost of maintaining and operating the dredging plant would be \$250,000.

Mr. CULLOM. Where was the dredging to take place?

Mr. STONE. Between St. Louis and Cairo.

Mr. CULLOM. That is what I wanted to know.

Mr. STONE. Two hundred and fifty thousand dollars was the amount it was estimated that the maintenance and operation of a dredging plant would cost, and yet this bill as it came from the House provides only \$250,000 all told and for everything for this stretch of the river. How, then, is there to be any permanent work, and how is the permanent work already done to be protected? I understood the Senator from Arkansas to say that \$250,000 would be ample to carry on the dredging and protect the permanent works. But the Senator in saying that puts his judgment against that of the engineers.

Mr. BERRY. Will the Senator permit me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. STONE. Certainly.

Mr. BERRY. I said that the conferees upon the part of the House claimed that \$250,000 per year would be amply sufficient to do the dredging and to take care of whatever might be necessary to prevent the destruction of the other works, and they claimed that the engineers had so reported. I was quoting them. The Senate conferees were on the other side of the question and did everything they could to keep the provision in the bill. The Senator from Missouri was there himself and heard the proceedings before the conference committee.

Mr. President, the statement of the chairman of the House committee was that of the appropriation made in 1905 some \$200,000 yet remained unexpended. He insisted that the reason why much more was required then for this stretch of the river than now was to purchase the dredges, which have been purchased already and paid for out of the previous appropriation. He then insisted that, unless we continued the revetment scheme, which was abandoned in part, as the Senator from Missouri says, the amount provided in the House bill was amply sufficient to do the dredging, to protect the other work there, and to keep an 8-foot channel, except in certain very low stages of water, at which times it could not be done at all, even with the additional money, except by the revetment scheme. From the beginning his argument was that until the commissioners reported as to whether or not the canal was to be built from Chicago to St. Louis, the Government ought not to enter upon the revetment scheme, which was originally estimated at \$18,000,000, for which \$11,000,000 have already been expended, and the last estimate for which was that it would take \$20,000,000 more. This bill also provides for a commission of three members, I believe, of the Mississippi River Commission, who shall again investigate the scheme.

The House conferees never would consent to an appropriation in the present bill to carry on this revetment work. Mr. BURTON insisted over and over again—and we tried to combat it—that the amount was sufficient to do the dredging, and that even if more were appropriated it could not be used in that stretch of river at the present time because the plan had been changed. That was their idea.

The Senator from Missouri said—and I did not quite like the intimation—that the Senate conferees ought to have either stood out or insisted on this amendment. There are a great many other appropriations in this bill, Mr. President. I think almost every Senator here whose State is deeply interested would have been glad that his amendment, too, should not have been yielded, but the conferees felt that we were not justified in killing this great bill, in which so many parts of the country are interested, simply because they would not give what we thought they ought to give and what we urged them in every way to give, particularly the amendment adopted on the suggestion of the Senator from Missouri, in regard to which he himself came and urged favorable action. We did all that was possible to do, except to say, "For this one item we will kill the entire bill." That we were unwilling to do. That is the reason why we consented to let the amendment go out.

I repeat, that it will do no possible good to send the bill back to conference, because the House conferees will not agree to the amendment proposed by the Senator from Missouri, which was adopted by the Senate.



Mr. STONE. Mr. President, as to killing this bill, with due respect to the Senator, I have not said that. If he understood me—

Mr. BERRY. I did not say that. I said the conferees. I did not make the reference to the Senator from Missouri. I said the Senate conferees could not say, "We will have this amendment or we will make no agreement." We were satisfied that the conferees on the part of the House would never yield the point, and we were unwilling to take that stand on this amendment, especially when it was said that there was ample money appropriated for that stretch of the river under the scheme of dredging, which is the present scheme, the other one having been practically abandoned by the resolution which the Senator read a while ago. I was most anxious to get them to agree to the amendment of the Senator from Missouri; but I was not willing to lose the entire bill because they would not consent to this or any other single amendment.

Mr. STONE. I have not said, Mr. President, that I desired the defeat of this bill. I appreciate as much as anyone the importance of the appropriations made for other sections of the country, those for use along the coast and those for improving the great harbors and ports and rivers of the country. Yet I want to say that I was greatly gratified to hear the distinguished Senator from Illinois [Mr. CULLOM] say a little while ago that the next time we have this question up he intended to make a fight even to the furthest extreme to compel a just recognition of the rights of the people and their great industries and commerce out in the Middle West and along the Mississippi Valley. I am in sympathy with that, Mr. President, and I say now that I shall be glad to follow the leadership of the Senator from Illinois when the time comes to make that fight.

Mr. President, \$250,000 is not an adequate sum to maintain and operate this dredging plant and preserve even the permanent work already done. No engineer or board of engineers, collectively or singly, has ever made a statement of that kind. The statement of the engineers is to the contrary. If the Senator from Arkansas believes what he says the House conferees asserted in this behalf, he must rest his faith on their assertion, not on the official opinions of the engineers. It may be that the assertion is based on the opinion of a certain distinguished gentleman who seems to be able in some way to dominate the legislation of Congress—this House as well as the other—in all matters pertaining to the improvement of rivers and harbors. I do not call his name; I do not state where he lives or whether he holds official place; there are parliamentary proprieties I may not violate. But there is such a man somewhere in this broad land, and he seems to hold the whip hand over Congress. His word is law, his edict a command. He delivers his mandate, and there seems to be nothing left but to obey. This august and mighty man has proclaimed it abroad—and it is possible that information from him may have percolated through the conference room—that \$250,000 was ample for this work. His opinion may be all-sufficient for some, but it does not convince me that the scientific opinion of trained engineers is unreliable. The engineers have declared that it will require \$250,000 per year to maintain and operate the dredging plant; and if that be true, how, with this appropriation, can the work already constructed at a cost of \$11,000,000 be protected and preserved?

The Senator from Arkansas [Mr. BERRY] says it is estimated that it will require \$20,000,000 more to complete the permanent work, the original estimate being something more than \$16,000,000. I have not the reports at hand so that I can refer to them, and I may be in error as to my recollection, but my understanding is that the present estimate of total cost for the work is about \$22,000,000 instead of \$16,000,000. But the Senator from Arkansas may be right in what he says as to that. He has had a long and distinguished service on the Committee on Commerce; his information concerning these matters is extensive, and he may be correct as to this detail.

As to the \$200,000 balance of the last appropriation still on hand, I wish to say that the engineers report that it will be absorbed and expended by July 1 of the present year, so that there will be no balance on hand at the end of the current fiscal year. So, Mr. President, there is nothing in that.

Mr. President, I have shown from the reports of the engineers the character of the plan agreed upon for improving this stretch of the river, and have shown from their reports that their faith in the technical and practical efficiency of the plan is undiminished.

Major Burr, who is a member of the general board, and who accompanied that board three years ago when the work was inspected, did not agree with his colleagues in all their recommendations. He was for several years in charge of the work

on this stretch of the river, and therefore had great personal familiarity with it. He dissented from some of the recommendations of the majority of the board and favored the employment of dredges only as a temporary expedient, with chief attention to the permanent work. He declared:

My experience in charge of this improvement during the low-water seasons of 1899, 1900, and 1901 leads me to believe that the permanent improvement of this river is feasible from a technical standpoint, and that such an improvement will produce a low-water barge channel so superior in location, width, permanence, and certainty to any temporary dredged channel that it is much to be preferred to the latter even at a conceded greater cost.

He further declared that his experience showed that a suitable barge channel can not be maintained at all points by dredging alone. He apprehended that the appropriations would not be sufficient to carry on the dredging work planned and complete the permanent work, or even keep the latter in repair. Therefore he predicted the deterioration of the permanent works and consequent increased dependence upon this temporary expedient—dredging—to maintain a suitable channel. And his prediction has been verified.

Mr. President, the engineers say that if this work should be along the lines of the original plan—that is, by using dikes, dams, and hurdles and by revetting the banks, thus confining the channel—the velocity of the current would be so increased that it would cut its own way, very much as the jetties at New Orleans open the way to the Gulf. This work has been carried on successfully, and all the engineers who have examined it advise that the work be continued, and they say it is necessary that it should be continued if we are to establish an 8-foot channel and maintain it permanently in this stretch of the river.

The river and harbor act of 1905, in accordance with the majority recommendations made in 1903, authorized the Secretary of War to prosecute the dredging contemplated in this report and to purchase or cause to be constructed two dredges; also making available the balance then remaining on hand for use in adding to or repairing the permanent works. The sundry civil act of that year appropriated \$650,000 for continuing this improvement. General Mackenzie interpreted that act as contemplating that more attention should be given to dredging and less to permanent improvement, and under that construction there has been no continuation, or practically none, of the permanent work, but for the last two or three years the engineers have devoted themselves almost exclusively to dredging.

Major Casey, who is in charge of the work and has been for some time past, says that the interpretation of this act virtually stopped all construction work for the permanent improvement of the river within the district except for the small unexpended balances from previous appropriations.

Owing to the lack of funds no work was done in the year ending July 1, 1906, on the permanent location of the channel, except at two places, both in St. Louis Harbor.

In each bill passed by Congress in recent years carrying appropriations for rivers and harbors the appropriation for this stretch of the river has amounted to \$650,000 per year.

General Mackenzie, Chief of Engineers, concurring with the engineer in charge, recommends that the amount that can be profitably expended for the fiscal year ending June 30, 1908, is \$650,000 in addition to the balances unexpended July 1, 1906. He says that the appropriation asked for is the estimated expenditure for one year only, and should be increased by authorization under continuing contracts for other years by at least the same sum annually. (P. 463, vol. 1, Rept. of 1906.)

There has been expended on this stretch for all purposes, principally for the so-called "permanent work," \$10,903,082.59.

This is a great work, and ought to be prosecuted with a view to as speedy completion as possible. Major Burr very properly says (p. 2150, Rept. of 1903) that the appropriations should be sufficient in amount to insure the completion of the permanent work within a reasonable time. The Board of Engineers for Rivers and Harbors in 1903 (p. 2147 of Rept. of 1903) declared that the channel, to be efficient commercially, must be maintained for a considerable period of years. The Board's conclusion is, in effect, the same as the expressed opinion of Mr. John Franklin Crowell, at that time an internal-commerce expert in the employ of the Department of Commerce and Labor, whose assistance was procured by the Board of Engineers in its investigation of 1903. Mr. Crowell, in his report, which was not printed, but is still on file with the Board of Engineers, declared:

Nothing short of a declared policy of continued improvement for a period of not less than ten years on the main lines hitherto followed by the Engineer's Office will suffice to place the waterway in position to serve in domestic commerce and foreign competition to the extent that is commercially advisable.

Major Burr—and, Senators, here is an engineer of high standing who for years was in charge of the work—expresses it as his opinion that this channel can not be successfully maintained

by dredging alone. Such statements as these coming from such high sources, coupled with the fact that no engineer or board has insisted that the channel can be so maintained, have an undoubted effect upon the minds of capitalists who can not be expected to furnish a fleet until confidence is established in the ability and purpose of the Government to maintain a channel. Two hundred and fifty thousand dollars is not sufficient to maintain and operate a dredging plant and preserve works already constructed, much less to continue and extend them, and thus carry out the plan adopted and which seems to be so near to success—for the engineers report that an 8-foot channel has been maintained during the whole of the last year, as well as for the most of the time during the past two years. The Board of Engineers in 1903, in recommending that more attention be paid to dredging, with a view to reducing the ultimate cost of the work, *estimated that \$250,000 would be necessary annually for operation, maintenance, and renewal of dredging plant alone*, while large appropriations should be made for permanent work and temporary expedients, aside from dredging.

The pending bill as it passed the House appropriated \$250,000 a year for four years, and provided that the money should be expended in operation and maintenance of the dredging plant already constructed and authorized and to make temporary expedients for channel regulation in connection with the dredging, and in maintaining and repairing the permanent work already constructed and in the construction of permanent work.

I repeat what I said a few moments ago, that no estimate has ever been made showing that work of that extent and dimensions could possibly be carried on with an expenditure of \$250,000. The Board of Engineers, as has been seen, estimates that amount for dredging alone. To make an appropriation of only that amount looks like the preliminary step to the final and complete abandonment of that stretch of the river. This course would fulfill the prediction of Major Burr, that the policy of relying on dredging alone would grow out of the plan recommended by the majority of the Board of Engineers in 1903, although the entire Board specifically declared that they did not so intend, and committed themselves to the practicability and advisability of continuing the permanent work. Manifestly, with small appropriations which can not furnish adequate available funds for permanent work, deterioration of the work already constructed follows, and it becomes necessary to rely on the dredges to maintain a channel. Ultimately this means the loss of all the money expended for permanent work, for the sum of \$250,000 annually is not sufficient for more than the work of the dredges. The Board of Engineers declared that sum to be necessary for that purpose.

The dredged channel is only a temporary channel, which may prove a great failure any year, particularly if recent high-water records should be followed by low water in subsequent seasons.

The contraction work, dikes, dams, revetments, etc., with incidental dredging, mean a permanent channel upon which commerce can rely.

Mr. President, I desire now to say a few words concerning the commercial importance of this improvement. St. Louis is the chief city of the Mississippi Valley, as New Orleans is the chief port on the Gulf. St. Louis ranks among the great manufacturing centers of the country and is the center of an enormous mining and agricultural country; and just across the river from St. Louis is the great city of East St. Louis, which is one of the most important and extensive manufacturing points in all the Central West. These two cities alone, with their outlying suburbs, contain a population of three-quarters of a million. Scores of millions are invested in all kinds of manufacturing enterprises, and tens of thousands are employed in carrying those enterprises on. But all this is so well known that it is hardly worth while to amplify upon it.

The through tonnage between St. Louis and New Orleans, which was 3,941,000 tons in 1896, has grown steadily from year to year until in 1906 it amounted to 9,260,000 tons. What the tonnage is between St. Louis and intermediate points on the Mississippi River I can not state, but it is enormous. This I know: That St. Louis and other Mississippi River towns and cities and those tributary to them, in common with the balance of the country, suffer for lack of adequate transportation facilities. The railways, though numerous and well equipped, are not able to handle the traffic with satisfactory and proper expedition. There are great coal fields in Missouri and Illinois, and south of St. Louis, on the Missouri side of the river and not far distant from the river, are among the most extensive lead mines and smelters in the country, and in the two States named—Illinois and Missouri—alone, to say nothing of the States along the upper Mississippi and Missouri rivers, vast quantities of grain and fruit are produced. There is not a more fertile or productive region in America. The country

contiguous to this river is populous. The river flows by the doors of several of the largest manufacturing centers in the Middle West and through the very heart of one of the most productive regions in the world. The importance and necessity of this improvement ought not to be in controversy. The Board of Engineers for Rivers and Harbors, in their report of 1903, said:

The report submitted by Doctor Crowell confirms the Board in its opinion that a barge channel from St. Louis to Cairo, 8 feet deep at the lowest stages, would, as an actual potential freight route, confer benefits upon a wide section of country far beyond its cost.

Mr. President, it has been contended that the present tonnage on the stretch between the Missouri and Ohio rivers is not sufficiently large to justify the expenditure necessary to complete the improvement, and it has been said that the volume carried and the means of transportation have decreased in recent years. The Report of the Engineer, 1906, shows that in 1905 the tonnage between St. Louis and Cairo was only 417,021 tons, and it has been said with truth that the number of craft plying on this stretch of the river and the tonnage carried decreased in the last few years. That is true, but it is also true that if all the points of shipment and delivery of freight be taken into account, the total tonnage would be greater far than that stated in the report.

The disparity in the tonnage between that carried over the stretch in question and that carried between Cairo and Memphis, between Memphis and Vicksburg, and between Vicksburg and New Orleans is due to the enormous amount of coke and coal carried over the Ohio for lower Mississippi River points. Eliminate that particular tonnage, and it will be found that the tonnage over the lower Mississippi, which includes everything coming out of the Mississippi above Cairo and out of the Ohio and Tennessee rivers and other great tributaries, is not so much greater than the tonnage on the St. Louis-Cairo stretch as it would otherwise seem to be; and this despite the fact that the Ohio and lower Mississippi have been put in fairly good navigable condition, while the stretch from St. Louis to Cairo has not been put in a condition of safe or even reliable navigation. In this connection I call attention to the fact that the statistics reported by the engineers in 1905 show the number of river passengers between St. Louis and Cairo was 61,232; between Cairo and Memphis, 41,696; between Memphis and Vicksburg, 114,179; between Vicksburg and New Orleans, 84,225. It should be remembered that between St. Louis and Cairo and between Cairo and Memphis the river is paralleled by several railroads, and that the railway competition is sharper along those stretches than along the stretches below Memphis. Besides the 61,232 passengers going over the river between St. Louis and Cairo the same statistics show that more than 800,000 excursionists passed in and out of St. Louis on Mississippi River boats during 1905.

Mr. President, it has been said in another place that there is not a boat owned in St. Louis running upon this stretch of the river. Regarding that statement I desire to read a letter from Mr. W. F. Saunders, secretary of the Business Men's League of St. Louis. It is as follows:

ST. LOUIS, MO., February 6, 1907.

HON. WILLIAM J. STONE,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: For your information allow me to tell you that the following boat lines, owned almost entirely by St. Louis capital, operate on the Mississippi River:

St. Louis and Tennessee River Packet Company, eight boats; Eagle Packet Company, five; Chester Line steamers, two; St. Louis and Cape Girardeau Transportation Company, one; Columbia Excursion Company, one; New Union Sand Company, two; Wiggins Ferry Company, ten; Interstate Car and Transfer Company, four; Madison Ferry Company, three; Venice and Carondelet Transportation Company, two; Ivory Transfer Company, two, and many smaller boats and a number of barges.

I think you may need this information as Mr. DAVIDSON, in the House of Representatives Tuesday, made the statement that St. Louis capital owned no boats on the Mississippi.

Very truly, yours,

W. F. SAUNDERS, Secretary.

Mr. President, the main argument made against this increased appropriation is that the commerce passing over this stretch of the river is not sufficient to warrant it, and that it has decreased in recent years. I have assurances in the form of numerous letters from among the most prominent business men of St. Louis, some of which I have here, in which they say that if assurance could be given, such as business men could rely upon, that a channel 8 feet in depth would be maintained from St. Louis to Cairo, in ninety days a barge line worth more than \$2,000,000 would be put upon the river.

The Senator from Maine [Mr. FAYE] read some statements in answer to a question propounded by the junior Senator from Illinois [Mr. HOPKINS] that a barge line that formerly operated on this stretch of the river has been sold and taken elsewhere. That is true. But I am going to take time at this juncture to



read a letter, which, I think, will throw some light upon that situation. It is also a letter from the secretary of the Business Men's League, which is the leading commercial body of St. Louis. In this letter Mr. Saunders explains the cause of the falling off of river traffic and gives the views of capable and experienced men as to the future of that traffic under improved conditions:

ST. LOUIS, February 6, 1907.

HON. WILLIAM J. STONE,

United States Senate, Washington, D. C.

MY DEAR SENATOR STONE: I have consulted with Mr. W. P. Kennett, of the Merchants' Exchange, whom you know, and with Mr. William K. Kavanaugh, in order to answer your question.

Mr. Kennett is an expert river man, understands all the river's conditions, and is a partner of D. R. Francis in business. Mr. Kavanaugh is president of the Wiggins Ferry Company, and has been in the river business for years. They agree on this statement:

In 1897 the river business in St. Louis was at its greatest degree of prosperity. The St. Louis Anchor Line was running packets to New Orleans. The Mississippi Valley Transportation Company, a towboat and barge line, was carrying grain to New Orleans, and the St. Louis Steel Barge Company was also carrying grain to New Orleans. About that time we had a succession of years of low water, and the two barge lines frequently had their boats on the bars. The railroad competition was very keen, and an appropriation for carrying out the plan for permanent improvement of the river, made by the United States engineers in 1881, seemed to be very uncertain. The Anchor Line lost several boats by fire. The river conditions made the insurance companies put their rates up until they were almost prohibitive. Henry Haartsick, the owner of the Mississippi Valley Transportation Company, had made a fortune in this business and wanted to get out, so he sold his line. The St. Louis Steel Barge Company, of which Henry S. Potter was the president, became discouraged and did the same thing. About this time Senator CARTER talked the river and harbor bill to death, and that completed the loss of confidence in the intention of the Government to keep the river navigable. It became impossible to make capital believe that the Government intended to carry out the permanent improvement of the Mississippi River, and the Rivers and Harbors Committee indicated that they would not guarantee to carry out those plans. Everybody in this part of the country became discouraged as to river navigation, and the traffic decreased rapidly. For the last two or three years there has been approximately 8 feet of water between here and Cairo, but it could not be relied upon because everybody knew that it was due to the exceptional conditions in all the rivers, all of them having been much higher during the last three years than usual. If the policy of Congress had been defined to be a permanent improvement of the Mississippi River, the traffic would never have decreased; and if the policy of Congress were defined now as the maintaining of the navigability of the Mississippi between St. Louis and Cairo, we would have a two-million-dollar towboat and barge line in commission between St. Louis and New Orleans within three months.

In considering the demand of that part of the Mississippi River between St. Louis and Cairo for that improvement which we are asking, it must not be considered as a river between St. Louis and Cairo, but as a link in the Mississippi River between St. Paul and New Orleans and between St. Louis and New Orleans. Capt. Henry C. Haartsick, president of the Mississippi Valley Transportation Company, says that plenty of capital is waiting in St. Louis to be invested in a barge-line business, because it has been shown to be profitable, but it will not be invested until the Government insures the channel.

Why should it be?

Henry S. Potter, president of the St. Louis Steel Barge Company, says: "Give us a guaranteed, safe stage of water throughout the year and the export trade of the Mississippi will reach a magnitude to justify the Government's expenditure of money necessary." John Franklin Crowell, internal-commerce expert of the Department of Commerce and Labor, who investigated for the Government the question of the commercial advantage of the river between St. Louis and Cairo, in making his report to the United States engineers, concluded by saying: "If the value of the Mississippi River above Cairo as a transportation line is to be made commercially effective it will be necessary to keep an open channel from St. Louis to Cairo of 8 feet, except when navigation is closed by ice. In order to realize this it is only necessary to carry to completion the project of permanent improvement, which has already eliminated the obstacle to navigation over fully 40 per cent of the course in question from St. Louis southward. Nothing short of a declared policy of continuous improvement for a period of not less than ten years on the main lines hitherto followed by the engineer's office will suffice to place the waterway in position to serve in domestic commerce and foreign competition to the extent that is commercially advisable."

St. Louis is insisting on the appropriation of \$650,000, and that because nothing less than that will carry out the plan of permanent improvement made by the engineers in 1881, and nothing less than that will declare the policy of continuous improvement.

In announcing an appropriation of only \$250,000 a year for the Mississippi River between St. Louis and Cairo it would seem that an effort has been purposely made to entirely make the Mississippi River unnavigable, because upper Mississippi River improvement will do no good unless the St. Louis-Cairo stretch receives care.

Sincerely, yours,

W. F. SAUNDERS, Secretary.

Unless a navigable channel of 8 feet or more is established and maintained between St. Louis and Cairo it is unreasonable to expect that large capital will be invested in boats, barges, etc., for river transportation. Necessarily the improvement work was for years experimental, and capital was timid about investments. This timidity or fear was accentuated by the low water which prevailed for several years following 1897 and the consequent difficulty and loss incident to river navigation. There is plenty of capital in St. Louis ready and willing to invest in river fleets whenever assurance can be given that the necessary channel has been established and that it will be consistently maintained. Major Casey, the engineer in charge, reports that during the last year an 8-foot channel was obtained and maintained between St. Louis and Cairo. The accuracy of

that statement has been questioned by some practical river men. I am told that Major Casey has informed the House Rivers and Harbors Committee that no one questions that the 8-foot channel has been maintained for the year as reported except "some cranky pilots." I do not, of course, take sides in that controversy, if, indeed, controversy it can be called; but this I affirm, that when any river pilot, although cranky, makes a statement of this character it is calculated to impair confidence. But far more is confidence impaired by a vacillating course on the part of the Congress. The whole plan of improvement was changed, or greatly modified, in 1905 against the judgment, and I can almost say against the protest, or over the protest, of the engineers who had been more immediately in charge of the work. This did not tend to restore confidence in the efficiency of permanency of the work, and it could hardly be expected that large investments would be made under such circumstances. And now, just as we are told by the engineers that they have been successful in opening and maintaining a navigable channel, and when we might expect capital to begin venturing upon experiments, it is proposed to cut down the appropriation to less than one-half the amount of former years and less than one-half the amount the engineers say is necessary to carry on and maintain the work.

Yet we wonder why the commerce on that stretch of the river goes down, and why the capitalists of St. Louis do not invest in boats and barges for river navigation. There is neither justice nor reason in such a contention. A policy such as we are following creates uncertainty, destroys confidence, and retards the development of that immense commerce that would almost certainly follow if more assuring conditions prevailed.

The Mississippi River Commission, in their report of 1905, speaking generally on this subject, said:

It is evident, however, that the confidence of the capitalist who must provide the means for building river craft and the steamboat man who navigates it can only be secured by the complete and uninterrupted maintenance of an adequate channel for a period of several years, and the assurance that an ample plant will at all times be maintained and operated by the Government to meet all the difficulties that may arise. The success achieved in the past and the consequent faith the Commission has in the efficacy of dredging in the maintenance of a satisfactory navigable channel is too important a matter to be subject to interruption through the possible failure of appropriation bills. One failure of that kind would destroy the confidence established by many years of successful maintenance of the channel.

That is what we are doing now—destroying confidence. Just as faith was reviving and confidence was beginning to assert itself; just when the people out there were preparing to venture upon investments that would supply the needs and means of river transportation, we confront them with this demoralizing proposition. I can not characterize as I would like without offending.

The Senator from Arkansas [Mr. BERRY] said it was objected by the conferees on the part of the House that this work of permanently improving the river according to the plans adopted by the engineers should not be carried on now because a survey has been ordered with a view to deep water from the Lakes to the Gulf. Mr. President, the gentleman who interposes that objection is opposed to the deep-water scheme. He has been obliged to give some attention to the great and ever-augmenting demand of the Central West for this deep waterway, and at last he consents to a survey. The survey is necessary; it is all right; and I think the work will be in very capable hands. But are we to have the deep waterway? And if so, when are we to have it? Mr. President, this deep-water scheme is one of stupendous proportions. It means years in time and untold millions in expenditure. I am for it, of course—very heartily for it. But, Mr. President, under conditions prevailing here, legislative conditions here, that scheme will hardly mature or eventuate in any practical solution for years to come. In the meantime is this great river improvement to wait on this yet uncertain and distant project? If so, why should not the lower Mississippi wait upon it also? Why, sir, I can not believe that this argument is seriously advanced. It is almost like adding insult to injury.

Mr. President, I know that this conference report will be agreed to, but I could not let this great injustice to the States of the West pass by without entering an earnest protest against it. I shall vote against agreeing to the report. My only regret is that I am unable to do anything more effective.

Mr. HOPKINS. Mr. President, it is not my purpose to delay the Senate at any length in coming to a vote on the report of the committee of conference, but I feel that in duty to the people whom I in part represent and to the general public I should emphasize the fact that in the abandonment of the amendment which was adopted by the Senate making the appropriation of \$650,000 per year the conference committee abandoned a settled policy which was inaugurated many years

ago by Congress on this very subject. It appears that under representations made by the general engineers permanent works were inaugurated on this section of the Mississippi River, and to-day more than \$10,000,000 have been expended for the purpose of establishing a clear waterway of a depth of at least 8 feet at low-water mark.

Is it possible, Mr. President, that because the conferees on the part of the House refuse to adopt this amendment they are going to control the action of Congress and the eleven million of money that has already been expended upon this part of the river is to be abandoned, and we are only to appropriate a little pittance of \$250,000 a year simply for dredging purposes?

It appears from what has already been said that the amount of money that is proposed by the conference committee here is not to maintain the works that have already been established on the river between the mouth of the Missouri River and Cairo; it is simply for dredging purposes.

It seems to me that in the interest of economy, to say nothing of the benefits that would come to the great commerce of the Middle West, we should adhere to the amendment that was agreed to by the Senate and use the amount of money that the engineers of the Government say can safely and properly be expended, and that is \$650,000.

If it shall be the will of the Senate that this conference report shall be returned and the Senate conferees enter into new negotiations with the conferees on the part of the House, there is one other amendment to which I wish to call the attention of the committee—that is the amendment of \$400,000 that was made for the Chicago River. It was with surprise and regret, Mr. President, that I discovered in looking over the proposed amendments here that the Senate conferees had yielded to the House upon that meritorious amendment.

Some eight or ten years or longer ago Congress embarked upon a permanent system of improvement of the Chicago River. A considerable amount of money was appropriated for that purpose, but it was found that owing to several tunnels that were under the river, that had been placed there by the order of the city of Chicago, this improvement could not be properly made, and hence Congress suspended making any appropriations whatever.

In 1889 we had a tonnage in the Chicago harbor of more than 8,000,000 tons annually, but by reason of the neglect of Congress it has gradually decreased until to-day it is but something over 5,000,000 tons. But that is a very large amount, and when you compare it with the harbors of any other section of the country it is still one of the largest. Yet we have only asked for \$250,000 for the improvement of the harbor and \$400,000 for the river. These two appropriations, in order to meet the needs of commerce on that great inland sea, go together. We should have \$400,000 for the improvement of the river and \$250,000 for the improvement of the harbor.

When this matter was suggested in the Committee on Commerce of the Senate, and when it was considered in the Senate, there was no division whatever among Senators as to its propriety and necessity, and yet I find that the conferees on the part of the Senate have yielded to the conferees on the part of the House on this question, and instead of permitting us to have \$400,000, as proposed by the Senate, we are, under the conference report, to receive only \$300,000.

I say to the honored chairman of the conference committee that, if it is possible, I trust he will revise that portion of the report and give us the \$400,000 approved by the Senate. The commercial interests of Chicago write me that \$400,000 now will be as good as a million dollars a few years hence. Millions of dollars have been expended upon this river by the people of Chicago where only thousands are now asked from the Federal Government. Justice demands that the \$100,000 taken from this appropriation by the conferees of the House be restored by the Senate.

Mr. WARNER. Mr. President, I would not at this time detain the Senate for a moment were it not for the fact that I believe a great injustice has been done to a part, and a very important part, of our country. It was unfortunate, at least, that the amendment of the Senate giving \$650,000 for the improvement of the Mississippi River from the Missouri to the Ohio was not insisted upon. When this amendment was put on the bill by the Senate the great commercial interests of my State—all the great commercial industries of St. Louis, Kansas City, and St. Joseph—rejoiced and felt that justice at least would be meted out to them; and great, sir, is the disappointment that that amendment has been abandoned by the conferees upon the part of the Senate. Of the nine leading cities of the Union represented by the volume of business in the clearing houses of the country, two of them are located in the State of

Missouri, and those two cities are vitally interested in the improvement of the Mississippi River.

We realize, sir—our merchants, our manufacturers, and our great shipping interests realize—that the only sure regulator of freight rates is river transportation. The abandonment of the permanent improvement of the great stretch of the Mississippi River between the Missouri and the Ohio rivers, the outlet of the great granary of Illinois, Kansas, Nebraska, Missouri, and largely the State of Iowa, the granary of the great West, is to be deplored. In my own city, sir, so great is the interest in water transportation that already nearly a quarter of a million dollars is being expended to put a fleet of boats upon the Missouri River, in the hope that from Kansas City on to St. Louis and on to New Orleans there should be uninterrupted navigation, but their hopes are blasted by the surrender of this amendment.

I should hope that the chairman of the Committee on Commerce [Mr. FRYE] would at least consent that one more effort be made in the interest of justice and in the carrying out of every recommendation that has been made by the War Department, rather than surrendering to the dictum of any one man in either House.

Mr. CULLOM. Mr. President, I had some statistics which I desired to offer on this occasion showing the trade and commerce between Chicago, St. Louis, and down the Mississippi River. Those statistics, however, have not come to me in such shape that I can very well insert them in the Record. Otherwise I should ask to do so. I only want to say that the report of the amount of tonnage, etc., going down the river from Chicago and St. Louis to the Gulf is very greatly misrepresented, and that that commerce is very much more than has been represented here.

I want to say further that in future, before another river and harbor bill shall be acted upon by the Senate, I shall desire to submit some more lengthy remarks on the subject.

Mr. ALLISON. Mr. President, I do not wish to delay a vote upon the conference report, although I think I should say a few words respecting it.

I sympathize with the views expressed by the Senators whose States border on the Mississippi River, but I am not quite sure that from this debate we shall have an accurate knowledge of the situation if it be true, as stated by the junior Senator from Illinois [Mr. HOPKINS] and the senior Senator from Missouri [Mr. STONE], that the failure to make this additional appropriation of \$400,000 is an abandonment of the Mississippi River as a great commercial medium of transportation. I have listened to the debate as well as I could, and I find that there is a contest only concerning what this \$250,000 appropriation will do. If it in the slightest degree abandons the general improvement of the Mississippi River or jeopardizes the large expenditure already made between the mouth of the Missouri and Cairo, this conference report ought to be rejected, for I do not regard as so important the appropriation for the improvement of the Mississippi River between Cairo and the mouth of the Missouri River or between the mouth of the Missouri River and St. Paul as I regard it of importance that the river should be improved as a connected waterway along the whole line of navigation from St. Paul to New Orleans or to the mouth of the river.

I should not have said anything upon this subject except that it was stated by one of the Senators—I am not sure whether the chairman of the Committee on Commerce [Mr. FRYE] or the Senator from Arkansas [Mr. BERRY]—that the House conferees oppose this additional appropriation proposed by the Senate until it shall have been ascertained whether the waterway proposed between Chicago and St. Louis should be entered upon. I want to protest against that as being no valid reason for the rejection of this appropriation. I sympathize with the Senator from Illinois as respects the projected waterway from Chicago to the Mississippi River, and when it is presented here in any reasonable form I shall vote for it, if I am here. But the regular and constant improvement of the Mississippi River from St. Paul to the mouth of the river should go on from year to year irrespective of the suggested waterway between the Lakes and the Mississippi.

Mr. BERRY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. ALLISON. Certainly.

Mr. BERRY. Mr. President, I will say that this bill provides for the expenditure during the next four years of \$12,000,000 for the improvement of the Mississippi River from St. Paul to the Gulf. I do not think there is any abandonment or intended abandonment anywhere of such appropriations for the Mississippi River on the part of anyone. The statement was



that last year the revetment scheme, which it is estimated will cost \$20,000,000, was suspended for the time being, and provision was made for dredging the river and protecting the work. The statement was made that that part of the scheme was not to go on, but that the \$20,000,000 proposition was to await the report of the commission provided in this bill to investigate the entire subject from Chicago down the river to Cairo. That is the only part of the scheme which the chairman of the House committee was not willing to keep up and reestablish the old revetment scheme, which was to cost \$20,000,000. He also insisted that for the dredging scheme now in force, which has been adopted within a year or two, that the \$250,000 per year in the bill, with the \$200,000 now on hand, was amply sufficient. That is his position; but that was not our position, because we tried to get the House conferees to allow every dollar contained in the Senate amendment.

Mr. ALLISON. I listened as well as I could to the debate upon that subject by Senators, and I have a fear that it will go out to the people, who are very much interested in this question, that in some way the Senate conferees have abandoned the idea of making permanent and continuous improvements of the Mississippi River.

Mr. BERRY. The Senate conferees?

Mr. ALLISON. The Senate conferees, by yielding in the matter of this additional appropriation. I understand both the chairman of the committee and the Senator from Arkansas have expressed the opinion that at least it was a doubtful question whether this \$250,000 would not continue this improvement between St. Louis and Cairo.

Mr. BERRY. I express no opinion about it, Mr. President. I simply said that the chairman of the committee of the House conferees had insisted on it.

Mr. ALLISON. I asked the Senator the question because I am not opposing an agreement as respects this report; but do I understand the Senator from Arkansas and the chairman of the committee to agree with the Senator from Illinois and the Senator from Missouri that the surrender of this additional appropriation will have the effect of retarding the natural and constant progress of the improvements of the Mississippi River?

Mr. BERRY. I will let the chairman of the committee answer that.

Mr. ALLISON. That is the first question that my constituents will ask me when I reach home—whether or not the Senate of the United States, in a great river and harbor bill, embracing many million dollars, extending over the whole country, have abandoned the improvement of 180 or 200 miles of the greatest river on this continent, if not in the world.

Mr. CULLOM. And right in the middle of it.

Mr. ALLISON. And right in the middle of it, as the Senator suggests. What I want to know is what the differences are. Whether it be true that by adopting this conference report we are to tacitly agree that no adequate appropriation shall be made for the improvement of the Mississippi River between the mouth of the Missouri River and Cairo until it shall appear here that we are to build a canal of 14 feet depth from Chicago to the Mississippi River. If that is the situation here, I think this report ought to be rejected; but I do not understand it to be the situation. Therefore I take a moment to say that I believe, notwithstanding the failure on the part of the Senate to secure the appropriation they originally put into this bill, the improvement of the Mississippi River will go on from St. Paul to the mouth of the river, and although the Senate has in this bill been unable to secure all it wanted to secure, that it has secured very much looking to the permanent improvement of the Mississippi River.

Mr. STONE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. ALLISON. I yield to the Senator.

Mr. STONE. Two hundred and fifty thousand dollars per year for a period of four years has been appropriated or is carried in this bill for this stretch of river. If it requires that amount to maintain and operate the dredging plants, leaving no balance for the maintenance, much less the continuance of the permanent improvements, what will become of the \$11,000,000 that have already been expended on that stretch of river?

Mr. ALLISON. Mr. President, that is what I have been trying to ascertain. If that \$11,000,000 is to be lost and if this additional appropriation is necessary to save it, then we are in a dilemma as respects it; but, so far as I could gather from the report of the committee and from the remarks of those who defend it and who are familiar with it, they do not state to us that this \$250,000 is insufficient to defend and protect whatever we have in this stretch of river at this time.

Mr. CULLOM. Will the Senator allow me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. ALLISON. Certainly.

Mr. CULLOM. My understanding is that there is no pretense that any part of the appropriation is to be used for revetment work in that stretch of the river.

Mr. ALLISON. We all know that this conference report is to be agreed to and that we have only taken this opportunity for stating our views, as well as we could, in protest against some of its features. I agree that \$12,000,000 is a very large sum, and an adequate sum, perhaps, for the Mississippi River from St. Paul to its mouth; but I also suggest to the Senator from Arkansas and to those Senators who live below the mouth of the Ohio that \$9,000,000 of that \$12,000,000 is to be expended below the mouth of the Ohio River.

Mr. BERRY. I will say to the Senator very frankly that I feel the greatest interest in that part of the river from Cairo down to the Gulf, and I was especially glad to see that appropriation made, but I am also interested in all of the Mississippi River.

Mr. ALLISON. I will say to the Senator that I have appreciated that interest for a great many years; I have noticed that the Senator has been especially interested in that region south of the mouth of the Ohio. Some of us have been interested in that portion of the Mississippi River north of the mouth of the Ohio, and I am one of those. I was not quite satisfied with the amount allotted, if I may use that term, in this bill to the Mississippi River above the mouth of the Missouri; and, Mr. President, I should be glad before the vote is finally taken that there should be some explanation that will lead our people who reside north of the mouth of the Missouri to believe that when their projects reach the mouth of the river they are not to be stopped because there is not a sufficient appropriation of public money for the river between that point and Cairo.

Mr. FRYE. Mr. President, just one word. There never in our committee of conference was one word said about abandoning the improvement of the Mississippi River at the stretch which has been under discussion to-day. I have no idea that the project will be abandoned; but in 1905 there was a disposition to partially change the project from the old one to a new one by lateral canals in certain stretches which were to be used instead of the river bottom itself. In order to do that, this very bill which has been under discussion provides for a commission of, I think, five engineers, to go over this matter thoroughly and determine whether or not that project can be changed, and whether or not it shall be deserted. It will not be deserted unless it shall be so recommended by the engineers.

Mr. CULLOM. The only danger about this is, that unless the revetments are taken care of during this period of time, the money heretofore expended will be lost.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. OVERMAN. Mr. President, to accompany the conference report, I think it proper that the resolution which I send to the desk should be introduced. I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The Senator from North Carolina submits a concurrent resolution, which will be read.

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives be instructed in the enrollment of the bill (H. R. 24991) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, to strike out the words "Seven," where it occurs after the word "connecting," on page 105, line 1, and to insert in lieu of the word "Seven," to correct what is evidently a clerical error in the preparation or printing of the bill.*

#### MEMORIAL SERVICES ON THE LATE REPRESENTATIVE RIXEY.

Mr. DANIEL. Mr. President, I take this occasion to give notice that on Saturday afternoon, before a recess or adjournment, I shall ask the Senate to adopt appropriate resolutions and to take becoming action concerning the late Representative JOHN F. RIXEY, who recently died, and whose funeral has been attended by a committee of this body.

#### CUSTOMS BOARDING BOAT AT GALVESTON, TEX.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 7684) to provide and maintain for the port of Galveston, Tex., a customs boarding boat, which was, in line 4, to strike out "thirty-five" and insert "ten."

Mr. CULBERSON. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

## CONSIDERATION OF BILLS ON THE CALENDAR.

The VICE-PRESIDENT. Under the unanimous-consent agreement, the Calendar is in order.

Mr. KEAN. That is, under Rule VIII?

The VICE-PRESIDENT. The unobjected cases.

Mr. FRYE. What was the unanimous-consent agreement?

The VICE-PRESIDENT. That after the close of the remarks of the Senator from Colorado [Mr. PATTERSON] and the consideration of the conference report on the river and harbor bill the Senate should proceed to the consideration of unobjected cases on the Calendar.

Mr. FRYE and Mr. KEAN. Under Rule VIII.

The VICE-PRESIDENT. Under Rule VIII. The Secretary will state the first bill on the Calendar.

## BILLS PASSED OVER.

The bill (S. 2993) to ratify an agreement with the Yankton Sioux Indians of South Dakota, and making appropriation to carry the same into effect, was announced as first in order on the Calendar.

Mr. GAMBLE. I suggest that that bill go over in the absence of the senior Senator from Minnesota [Mr. NELSON].

The VICE-PRESIDENT. The bill will be passed over.

The bill (H. R. 17833) providing for the administration of the operations of the act of Congress approved June 17, 1902, known as the reclamation act, was announced as next in order.

Mr. KEAN. I think the Senator from Idaho wants that bill to go over.

Mr. HEYBURN. Yes.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will be passed over.

The bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia was announced as next in order.

Mr. KEAN. Let that bill go over; not that I have any objection to the bill, for I shall vote for it.

The VICE-PRESIDENT. The bill will be passed over.

The bill (S. 188) for the relief of the legal representatives of George W. Soule was announced as next in order.

Mr. BURKETT. Let that bill go over.

The VICE-PRESIDENT. The bill will be passed over.

## S. KATE FISHER.

The bill (S. 1569) for the relief of W. W. Jackson was announced as next in order.

Mr. CLAPP. Mr. President, if it is permissible, in lieu of that bill I should like to have taken up House bill 8080, which passed the House and was amended by the Senate. I want to withdraw the Senate amendment.

The VICE-PRESIDENT. What is the Calendar number of the House bill?

Mr. CLAPP. It never has been on the Calendar. It went to the House and came back on request.

The VICE-PRESIDENT. The Chair will lay before the Senate the message from the House relative to the bill.

Mr. CLAPP. I ask that that be done.

The VICE-PRESIDENT laid before the Senate the message from the House of Representatives returning to the Senate, in compliance with its request, the bill (H. R. 8080) for the relief of S. Kate Fisher.

Mr. CLAPP. I move to reconsider the vote by which the Senate amendment was adopted.

The VICE-PRESIDENT. The question is on the motion of the Senator from Minnesota, that the votes by which the amendment of the Senate was ordered to be engrossed and the bill to be read a third time and passed be reconsidered.

The motion was agreed to.

Mr. CLAPP. I now move that the Senate amendment be rejected.

Mr. SPOONER. Will the Senator from Minnesota state, in a word, what the bill is about, so that the Senate may understand?

Mr. CLAPP. The bill is for the relief of S. Kate Fisher, who paid \$400 into the land office at Duluth, which ought to be reimbursed to her.

Mr. SPOONER. I think it ought to be.

Mr. CLAPP. On the consideration of the bill in the Senate the Senator from South Dakota moved an amendment to the bill, which I knew nothing about, but the House rejected the amendment. I have the permission of the Senator from South Dakota—

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. CLAPP. Yes.

Mr. GALLINGER. I assume that that bill has no relation

to the bill on the Calendar, the title of which was just read, which is for the relief of W. W. Jackson.

Mr. CLAPP. No; I asked permission to pass that over and take up the bill I have named in place of it.

Mr. SPOONER. I think the bill ought to pass. I have looked into it.

The VICE-PRESIDENT. Without objection, the vote by which the Senate agreed to the amendment is reconsidered, and, in the absence of objection, the Senate amendment is disagreed to.

The bill was ordered to a third reading, read the third time, and passed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24103) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1908, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 25745) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAWNEY, Mr. SMITH of Iowa, and Mr. TAYLOR of Alabama managers at the conference on the part of the House.

## ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 3638. An act providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States;

S. 8451. An act ratifying and confirming chapter 58 of the twenty-third legislative assembly of the Territory of Arizona, providing for repair of the Territorial bridge at Florence, Pinal County, Ariz.;

S. 8510. An act to amend an act providing for the public printing and binding and the distribution of public documents;

S. 8533. An act to authorize the Court of Claims to hear, determine, and adjudicate the claims of the Sac and Fox Indians of the Mississippi in Iowa against the Sac and Fox Indians of the Mississippi in Oklahoma and the United States, and for other purposes;

H. R. 23864. An act granting an increase of pension to James A. Miller;

H. R. 28890. An act granting an increase of pension to Jacob B. Haslam;

H. R. 23912. An act granting an increase of pension to James E. Fitzgerald;

H. R. 23961. An act granting an increase of pension to Oscar N. Cowell;

H. R. 23966. An act granting an increase of pension to Hugh Stevenson;

H. R. 23967. An act granting an increase of pension to Henry Hill;

H. R. 23968. An act granting an increase of pension to Alexander McWhorter;

H. R. 23971. An act granting an increase of pension to Mary E. C. Butler;

H. R. 23982. An act granting an increase of pension to Thomas H. Seed;

H. R. 23997. An act granting an increase of pension to Michael M. Field;

H. R. 23999. An act granting an increase of pension to John F. Gough;

H. R. 24000. An act granting an increase of pension to Mary Holle;

H. R. 24002. An act granting an increase of pension to Michael F. Gilrain;

H. R. 24015. An act granting an increase of pension to Aaron C. Sanford;

H. R. 24028. An act granting an increase of pension to George H. Boney;

H. R. 24030. An act granting an increase of pension to Andrew J. Foor;

H. R. 24031. An act granting an increase of pension to John Downey;

H. R. 24034. An act granting an increase of pension to Mary I. Banta;



H. R. 24037. An act granting an increase of pension to Theodore Teeple;  
 H. R. 24061. An act granting an increase of pension to John C. Nelson;  
 H. R. 24068. An act granting an increase of pension to John Maginnis;  
 H. R. 24079. An act granting an increase of pension to David Jones;  
 H. R. 24100. An act granting an increase of pension to Henry W. Wilson;  
 H. R. 24101. An act granting an increase of pension to George W. Ashton;  
 H. R. 24161. An act granting an increase of pension to Hugh O'Neal;  
 H. R. 24171. An act granting an increase of pension to Finus M. Wyatt;  
 H. R. 24183. An act granting an increase of pension to Joseph B. Joyce;  
 H. R. 24189. An act granting an increase of pension to Frederick Hoffner;  
 H. R. 24194. An act granting an increase of pension to William Davis;  
 H. R. 24197. An act granting an increase of pension to Mary Ann Foard;  
 H. R. 24210. An act granting an increase of pension to George H. Maddox;  
 H. R. 24215. An act granting an increase of pension to George Hoell;  
 H. R. 24220. An act granting an increase of pension to William P. Robbe;  
 H. R. 24225. An act granting an increase of pension to William Ivans;  
 H. R. 24226. An act granting an increase of pension to Francis J. Eachus;  
 H. R. 24269. An act granting an increase of pension to William L. Stewart;  
 H. R. 24288. An act granting an increase of pension to John Gooding;  
 H. R. 24294. An act granting an increase of pension to Daniel R. Lamoreau;  
 H. R. 24299. An act granting an increase of pension to William B. Doyle;  
 H. R. 24308. An act granting an increase of pension to Lyman Thompson;  
 H. R. 24334. An act granting an increase of pension to Emma Case;  
 H. R. 24338. An act granting an increase of pension to James M. Gardner;  
 H. R. 24343. An act granting an increase of pension to James M. Haney;  
 H. R. 24344. An act granting an increase of pension to John H. James;  
 H. R. 24397. An act granting an increase of pension to David Prunkard;  
 H. R. 24405. An act granting an increase of pension to Mary H. Bishop;  
 H. R. 24406. An act granting an increase of pension to Edmund Johnson;  
 H. R. 24413. An act granting an increase of pension to William Thomas;  
 H. R. 24493. An act granting an increase of pension to Theodore Gage;  
 H. R. 24502. An act granting an increase of pension to A. Judson Conant;  
 H. R. 24504. An act granting an increase of pension to John H. Leiter;  
 H. R. 24518. An act granting an increase of pension to Reuben Nye;  
 H. R. 24530. An act granting an increase of pension to David Miller;  
 H. R. 24531. An act granting an increase of pension to David E. Jefferson;  
 H. R. 24532. An act granting an increase of pension to Absalom R. Shacklett;  
 H. R. 24553. An act granting an increase of pension to Sarah J. Reed;  
 H. R. 24560. An act granting an increase of pension to Margaret Lesley;  
 H. R. 24577. An act granting an increase of pension to John L. Flanery;  
 H. R. 24586. An act granting an increase of pension to Jotham A. Vincent;  
 H. R. 24599. An act granting an increase of pension to Thomas L. Richardson;

H. R. 24638. An act granting an increase of pension to Bernard Shallow;  
 H. R. 24681. An act granting an increase of pension to Lewis M. Jarvis;  
 H. R. 24691. An act granting an increase of pension to Edward Burtch;  
 H. R. 24698. An act granting an increase of pension to Lydia Hunt;  
 H. R. 24700. An act granting an increase of pension to Joseph Brooks;  
 H. R. 24707. An act granting an increase of pension to Peter Campbell;  
 H. R. 24710. An act granting an increase of pension to Jacob Riner;  
 H. R. 24726. An act granting an increase of pension to Seldon R. Sanders;  
 H. R. 24733. An act granting an increase of pension to John H. Morrison;  
 H. R. 24740. An act granting an increase of pension to William E. Chase;  
 H. R. 24769. An act granting an increase of pension to John George;  
 H. R. 24776. An act granting an increase of pension to David T. Taylor;  
 H. R. 24792. An act granting an increase of pension to William H. Penfield;  
 H. R. 24801. An act granting an increase of pension to George G. Martin;  
 H. R. 24807. An act granting an increase of pension to Horace E. Heath; and  
 H. R. 24829. An act granting an increase of pension to John R. Robbins.

#### SUNDRY CIVIL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 25745) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist on its amendments and agree to the conference, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. HALE, Mr. ALLISON, and Mr. BERRY.

#### ESTATE OF W. W. JACKSON, DECEASED.

The bill (S. 1569) for the relief of W. W. Jackson, deceased, was announced as the next business in order on the Calendar.

Mr. CLAPP. Let the bill be passed over.

The VICE-PRESIDENT. The bill will be passed over.

#### IMPROPER USE OF STREET RAILWAY TRANSFERS.

The bill (S. 826) to amend "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, relating to the improper issue, sale, gift, or use of transfer tickets of street railroads was announced as next in order.

The VICE-PRESIDENT. The bill was read on the 1st instant.

Mr. BACON. What is the bill? I ask that it be read.

Mr. GALLINGER. Let it go over.

The VICE-PRESIDENT. The bill will go over.

#### ALLEN V. REED.

The bill (H. R. 7676) authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a commodore on the retired list of the Navy was considered as in Committee of the Whole. It authorizes the President to appoint Allen V. Reed, now a captain on the retired list of the Navy, to be a rear-admiral on the retired list of the Navy, with the rank and pay of that office, the appointment to date from the 30th day of September, 1898.

The VICE-PRESIDENT. Certain amendments were made in Committee of the Whole when the bill was under consideration.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy."

## REVISION OF COPYRIGHT LAW.

The bill (S. 8190) to consolidate and revise the acts respecting copyright was announced as next in order.

Mr. BEVERIDGE. I see that there is a minority report.

Mr. MALLORY. I object to the consideration of the bill. Let it go over under Rule IX.

The VICE-PRESIDENT. The bill will go over under Rule IX, at the request of the Senator from Florida.

## GROUNDS FOR PUBLIC BUILDINGS IN THE DISTRICT.

The bill (S. 6649) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

Mr. HEYBURN. The bill has heretofore been read.

The VICE-PRESIDENT. The bill has heretofore been read.

The bill provides for the purchase of the following parcels of land in the District of Columbia: All of blocks Nos. 226, 227, 228, 229, 230, 256, 257, 258, 259, 260, 292, 293, 294, 295, 349, 350, 380, 381, 382, 461, 575, 576, Reservation A, Reservation B, Reservation C, Reservation 12, according to the official plat of the city of Washington, not already owned in whole or in part by the Government of the United States of America.

The bill appropriates \$10,000,000, or so much thereof as may be necessary, to be used for the payment of the land.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## DAVID M'CLELLAND.

The bill (H. R. 7153) for the relief of David McClelland for loss sustained at Chickamauga Park, Ga., January 29, 1904, was considered as in Committee of the Whole. It proposes to pay to David McClelland, late draftsman and assistant to the engineer in the Quartermaster's Department, United States Army, stationed at the new military post, Chickamauga Park, Ga., \$171.21 for loss of personal property by fire on the morning of January 29, 1904.

Mr. SPOONER. Is the bill recommended by the Department?

Mr. KEAN. I will say to the Senator it is, for the whole amount.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GEORGE A. ARMSTRONG.

The bill (S. 7921) for the relief of George A. Armstrong was considered as in Committee of the Whole.

The VICE-PRESIDENT. The bill was read February 19, and an amendment agreed to.

Mr. KEAN. What is the amendment?

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 7, before the word "dollars," the Senate, as in Committee of the Whole, filled the blank by inserting "five hundred and thirty-two," and after the word "dollars" it inserted "45 cents;" so as to read: "\$532.45."

Mr. SPOONER. What is the bill about?

The VICE-PRESIDENT. The Secretary will read the bill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George A. Armstrong, late captain Company D, Seventh Michigan Cavalry, out of any money in the Treasury not otherwise appropriated, the sum of \$532.45, as pay and emoluments from January 28, 1864, to May 30, 1864, inclusive.

Mr. SPOONER. From what committee does the bill come?

The VICE-PRESIDENT. The bill was reported from the Committee on Military Affairs.

Mr. KEAN. By the Senator from West Virginia [Mr. Scott].

Mr. SPOONER. Who reported it?

The VICE-PRESIDENT. It was reported by the Senator from West Virginia [Mr. Scott].

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time, and passed.

## HEIRS OF CHARLES W. DAKIN AND THOMAS J. HENNESSY, DECEASED.

The bill (H. R. 15909) to reward the widow and minor son of Capt. Charles W. Dakin and the widow and minor children of Thomas J. Hennessy, late of the San Francisco fire department, who lost their lives while fighting a fire on board of the United States Army transport *Meade* was considered as in Committee of the Whole.

The VICE-PRESIDENT. The bill has heretofore been read.

Mr. BACON. I presume it is right, but still we do not know anything about the nature of the bill. I do not want to con-

sume time in reading it if there is anyone here to state what it is.

Mr. SPOONER. I looked into the bill when it was last before the Senate, and, briefly stated, it is this: One of the transports of the United States Government caught fire in the harbor of San Francisco. These two men were members of the fire department of San Francisco, and they went, outside entirely of duty, and made a splendid fight to preserve the property of the United States, and lost their lives in that attempt. They left families absolutely destitute. They behaved with great gallantry and self-sacrifice, and this is recommended by the War Department and seems to be an entirely meritorious measure. I think the bill should be passed.

Mr. BACON. I quite agree with the conclusion reached by the Senator from Wisconsin, so far as I am concerned.

Mr. FULTON. As stated by the Senator from Wisconsin, the bill is recommended very earnestly by the War Department, and it is recommended by General Funston, who was in charge at the time.

Mr. SPOONER. I move to amend the bill by striking out, in line 5, on page 2, after the word "appropriated," the words "as a reward for the bravery and heroism shown," and inserting "in recognition of the bravery and services to the United States rendered;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, in recognition of the bravery and services to the United States rendered by the late Capt. Charles W. Dakin and Thomas J. Hennessy, both of the San Francisco fire department, in fighting a fire on board of the United States Army transport *Meade* in the harbor of San Francisco, Cal., on the night of January 31, 1906, to the widow and minor child of the said Capt. Charles W. Dakin the sum of \$5,000 and to the widow and minor children of the said Thomas J. Hennessy the sum of \$5,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the widow and minor son of Capt. Charles W. Dakin and the widow and minor children of Thomas J. Hennessy, late of the San Francisco fire department, who lost their lives while fighting a fire on board of the United States Army transport *Meade*."

On motion of Mr. GALLINGER, the preamble was stricken out.

## HENRY O. BASSETT.

The bill (H. R. 3268) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased, was considered as in Committee of the Whole. It proposes to pay to Henry O. Bassett, sole surviving heir of Henry Opeman Bassett, deceased, \$142.59.

Mr. SPOONER. For what is the claimant to be paid this money?

Mr. GALLINGER. When the bill was read once before I suggested that it looked like a gratuity. I ask that the Secretary read it once more. There does not seem to be any statement as to why this money should be paid.

The Secretary again read the bill.

Mr. SPOONER. It looks like a gratuity.

Mr. GALLINGER. It does; certainly.

Mr. MALLORY. A similar bill has passed the Senate twice.

Mr. GALLINGER. It ought not to pass the Senate in its present form.

Mr. MALLORY. I will say that Henry Opeman Bassett was a mail contractor in Florida, and the records of the Auditor for the Post-Office Department show the Mr. Bassett was contractor on route 6564, Mariana to Bainbridge, from July 1, 1859, at \$1,300 per annum; that he was paid in full to December 31, 1860, and that a balance of \$142.59 stands to his credit for service for the quarter ending March 31, 1861, the date to which service has been certified. It is recommended by the Department.

Mr. GALLINGER. Unless an amendment can be submitted which will state definitely what the money is to be paid for, I shall object to the consideration of the bill. If the Senator from Florida can prepare an amendment—

Mr. MALLORY. I am not especially interested in the bill. It is a bill which a Member of the House—

Mr. GALLINGER. Let it go over, Mr. President.

The VICE-PRESIDENT. The bill will go over.

Mr. MALLORY subsequently said: I ask the Senate to recur to the bill (H. R. 3268) for the relief of Henry O. Bassett. It was passed over at the request of the Senator from New Hampshire [Mr. GALLINGER].

Mr. GALLINGER. I withdraw the objection.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill.



Mr. MALLORY. I offer the amendment I send to the desk.

The SECRETARY. It is proposed to add at the end of the bill the following:

The same being a balance due the said Henry Opeman Bassett, and never paid as a mail contractor, for service for the quarter ending March 31, 1861, the date to which service has been certified.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN A. BINGHAM.

The bill (S. 7143) directing the Postmaster-General to credit John A. Bingham, late postmaster at Vandalia, Ill., in the sum of \$500 on account of stamps lost by burglary was considered as in Committee of the Whole.

Mr. FULTON. The bill seems to have been reported from the Committee on Post-Offices and Post-Roads. I do not care to interpose an objection to the pending bill, but I wish to say that these bills do not properly belong to that committee. They are claims against the Government. They should go to the Committee on Claims, where they can receive proper consideration. I do not believe they receive any consideration at all in the Post-Office Committee. Furthermore, part of such bills come to the Committee on Claims. That committee has a certain policy and rule with which it endeavors to comply. Such bills are reported from other committees entirely contrary to those rules. I am going hereafter to object to the consideration of bills of this character reported from that or any other committee than the Committee on Claims.

Mr. CARTER. Let the bill be passed over, Mr. President.

The VICE-PRESIDENT. The bill will be passed over.

Mr. OVERMAN. Have not some bills of the very same nature, when the Committee on Claims has turned them down and refused to report favorably, been referred to other committees and passed by the Senate on reports from such committees?

Mr. FULTON. That is very true.

The VICE-PRESIDENT. The bill will be passed over at the request of the Senator from Montana.

Mr. HALE. Before the bill goes over I hope the Senator from Oregon will insist on the proposition which he has just announced to the Senate. The only safety in these cases is for one committee, the Committee on Claims, to consider claims. There came to the Committee on Naval Affairs in the early part of the session a bill covering several claims, purely relating to the Navy Department, and in a way giving jurisdiction to the Naval Affairs Committee, but the committee unanimously directed that they should be referred to the Committee on Claims, and the bills were all sent to that committee. There is no jurisdiction of the Committee on Claims worth taking into account unless it does consider all of these claims. They ought not to go to the departmental committee; they ought not to go to the Committee on Appropriations, but the jurisdiction and responsibility rest, as they ought to rest, with the Committee on Claims.

Mr. CULLOM. The bill which has just been read is for the relief of a citizen of my State.

Mr. PATTERSON. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. CULLOM. I simply wish to make a remark in the interest of the disposition of the bill.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. CULLOM. The probabilities are that the bill will not get through both Houses of Congress at this session in any event, and I am perfectly willing that it shall now be referred to the Committee on Claims.

Mr. GALLINGER. Let that be done.

The VICE-PRESIDENT. The bill will be referred to the Committee on Claims.

Mr. WARREN. I ask for just a moment.

Mr. PATTERSON. I withdraw the demand.

Mr. WARREN. Mr. President, I do not desire to object to this bill, but I do want to say a word before we pass from this subject.

I had quite long service on the Committee on Claims, and I think perhaps my remissness there has been the occasion for these bills going to other committees, because I did not object at the time. With the vast amount of work we had, I felt that if the Government were disposed to pay its debts, it mattered little from what committee the bills were reported. But I submit that experience and observation have shown that in

the case of all kinds of claims the bills should go to the Committee on Claims and to that committee alone.

Mr. PATTERSON. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded. The Secretary will state the next case on the Calendar.

#### PAYMENT OF OVERTIME CLAIMS OF LETTER CARRIERS.

The bill (S. 1181) to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation was considered as in Committee of the Whole. It proposes to pay to the several parties named in Senate Document No. 216, Fifty-sixth Congress, first session, and Senate Document No. 158, Fifty-sixth Congress, second session, or their legal representatives, the amounts set opposite each of their names, respectively, aggregating \$282,943.88, representing services actually performed by them as letter carriers in excess of eight hours per day.

Mr. CULLOM. From what committee does the bill come?

The VICE-PRESIDENT. The Committee on Claims.

Mr. SPOONER. By whom was the bill reported?

The VICE-PRESIDENT. It was reported by the Senator from Utah [Mr. SMOOT].

Mr. SMOOT. The Committee on Claims reported it.

Mr. SPOONER. What reason is there why the claims were not presented within the time fixed by law?

Mr. SMOOT. One reason was that there was an intimation from the Department itself that those claims would be paid in due process. Most of the other claims have been paid, and the only reason these were not paid is because of the statute of limitations running against them.

Mr. FULTON. If the Senator from Wisconsin will allow me—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oregon?

Mr. SPOONER. Certainly; I merely want information.

Mr. FULTON. They were told that the Department would look after these people and see that their claims were paid. When they were presented, the auditor held that they had not been presented in time.

Mr. SPOONER. I want to know if the only difference between these claims and those which have been paid is the intervention of the statute of limitations?

Mr. FULTON. That is all.

Mr. SMOOT. Yes; that is all.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### L. BIERTEMPFEL.

The bill (H. R. 12840) for the relief of L. Biertempfel was considered as in Committee of the Whole. It directs the Secretary of the Treasury to reimburse L. Biertempfel, a German subject, for loss sustained by him through the action of Louis Stern, United States commercial agent at Bamberg, Germany, in collecting the sum of \$871.08 belonging to Biertempfel and converting it to his own use.

Mr. SPOONER. From what committee does the bill come?

The VICE-PRESIDENT. From the Committee on Claims.

Mr. SPOONER. Let it go over.

Mr. LODGE. One moment, Mr. President. The payment in this case is very strongly recommended by the State Department, as this man was swindled by our consul. That is what it amounts to. The late Secretary Hay advised very strongly that it be paid.

Mr. CULLOM. I join with the Senator from Massachusetts in the hope that the bill will be passed.

Mr. SPOONER. I wish to say a word about it. Even if the bill is recommended by the Department, so far as I know it is an innovation, and I think a very dangerous innovation. Consular agents and consuls are commercial agents of the United States. They are permitted to make collections for citizens, but if it is to be understood that the Government of the United States is to be liable for their embezzlements, they ought to be prohibited by law from doing that business. It is not their business strictly. Citizens of the United States who have claims to collect abroad are perfectly at liberty to employ counsel abroad and to pursue the usual remedies for the collection of claims.

Mr. LODGE. This was not collected abroad. This was money collected in America, to be paid to a German subject.

Mr. SPOONER. Why should we be liable for it?

Mr. LODGE. I do not suppose we are liable. I take it it is a mere act of grace.

Mr. SPOONER. If we are to be liable for it in that case, I want to make the prophecy that this precedent will make us

liable in every such case. Otherwise we will be held to have discriminated in favor of the subjects of one country and against the subjects of another country. And even if it is recommended by the Department of State, I believe it is an absolutely improper policy to the adopted by the Congress of the United States.

I shall not object to this bill, but I want to put on record my conviction that it is a bad thing to do.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. H. HENRY.

The bill (H. R. 9109) for the relief of J. H. Henry was considered as in Committee of the Whole. It proposes to pay to J. H. Henry, of San Jose, Cal., \$684.15 to reimburse him for losses sustained by him on account of fires started by United States troops during their occupancy of his ranch in San Luis Obispo County, Cal., during the summer of 1904.

Mr. SPOONER. If the bill does not indicate the line which has always been drawn by the Congress between the case where the soldier acts unlawfully and a conflagration or trouble which comes from the lawful action—

Mr. FULTON. If the Senator will allow me, I will explain it to him.

Mr. SPOONER. What are the facts?

Mr. FULTON. The facts are these: This ranch was leased to the Government for maneuvering purposes, and a written lease was entered into by which it was agreed that the Government would pay for any loss that resulted from fire or damages committed by the soldiers. This is for damage resulting from fire, burning, as I recall it, the fence; certainly some of the field. A board was appointed to assess the damages, and this is the amount awarded.

Mr. SPOONER. How much?

Mr. FULTON. I think it is some \$600. I do not recall the exact amount. That is my recollection.

The VICE-PRESIDENT. Six hundred and eighty-four dollars.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. M. BLOOM.

The bill (S. 7851) for the relief of J. M. Bloom was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post-Offices and Post-Roads with an amendment, in line 6, after the words "one hundred and," to strike out "eighty-nine dollars and twelve" and insert "eighteen dollars and eighteen;" and on page 2, line 5, before the word "cents," to strike out "eighty-nine dollars and twelve" and insert "eighteen dollars and eighteen;" so as to make the bill read:

*Be it enacted, etc.,* That the Postmaster-General be, and he is hereby, authorized and directed to cause the account of J. M. Bloom, late postmaster at Clearfield, State of Pennsylvania, to be credited with the sum of \$118.18, and that he cause said credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of loss of \$123 in postal funds by robbery of said post-office on the 10th day of February, 1897, and \$66.12 for expenses incurred in the effort to apprehend the burglars, it appearing that said loss was without fault or negligence on the part of said late postmaster; and the sum of \$118.18 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay said claim.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

E. RUSSELL MEARS.

The bill (S. 4767) authorizing the President to appoint E. Russell Mears captain and paymaster, United States Army, was announced as next in order on the Calendar.

Mr. WARREN. I will ask that the bill may go over, keeping its place on the Calendar.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

WALES ISLAND PACKING COMPANY.

The bill (S. 616) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company was announced as the next in order.

Mr. OVERMAN. Let the bill take its place on the Calendar under Rule IX.

Mr. KEAN. I trust the Senator will not do that. This is a very just claim.

Mr. OVERMAN. I think there will be some contest about the claim.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX.

Mr. KEAN. I did not know that there had ever been any controversy about it.

Mr. LODGE. Before the bill is passed over I should like to say a single word in regard to it, in justice to the claimant.

The claim arose out of the decision of the Alaskan Tribunal, of which I was a member. In the settlement of the boundary a disputed island was awarded to Great Britain. It was not known that there was any American establishment anywhere on the ceded piece of territory. If it had been known to the Commissioners, arrangements would have been made that Canada should settle with the American citizens so placed. After the decision was rendered the Commissioners were informed of the existence of this canning company, and it was then too late to open the award.

The result was that these people found themselves on Canadian territory and the right of fishing in the rivers was taken from them, as all the rivers are in the United States territory. Therefore their business was absolutely destroyed and they lost everything they had there, entirely by the failure of the United States Government to notify the Commissioners. There never was a better claim in the world or a case in which greater injustice has been done. I wish to put that statement on record, if the bill is to be objected to.

Mr. OVERMAN. I wish to say that the bill has been before the committee several times, and I do not think we ought to pay \$81,000 for some old buildings there.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from North Carolina.

BATTLE MONUMENT AT CHALMETTE, LA.

The bill (S. 8292) providing for the completion by the Secretary of War of a monument to the memory of the American soldiers who fell in the battle of New Orleans at Chalmette, La., and making the necessary appropriation therefor, was announced as next in order.

Mr. GALLINGER. That matter went in, as I remember, as a provision of the Army appropriation bill. I would ask if it has been retained?

Mr. WARREN. I desire to say that in conference all those amendments were lost.

Mr. GALLINGER. I am very sorry for that.

Mr. WARREN. I am very sorry, too, but we were unable to retain them. They were the last items we permitted to go out.

Mr. GALLINGER. I have no objection to the consideration of the bill.

The bill was considered as in Committee of the Whole. It proposes to appropriate \$25,000 for the completion of a monument to the memory of the soldiers who fell in the battle of New Orleans in the war of 1812, said monument to be completed under the direction and approval of the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAMIE-FIBER SILK AND FLAX.

The bill (S. 4633) authorizing Government assistance in the development and encouragement of ramie-fiber silk and flax preparation and manufacture and their production and profitable home market in the United States, under the supervision of the Secretary of Commerce and Labor, was announced as next in order.

Mr. CULLOM. I hope that bill will go over under Rule IX.

The VICE-PRESIDENT. The bill will be passed over and placed on the Calendar under Rule IX, at the request of the Senator from Illinois.

ALASKA-YUKON-PACIFIC EXPOSITION.

The bill (S. 7382) to encourage the holding of an Alaska-Yukon-Pacific exposition at the city of Seattle, State of Washington, in the year 1909 was announced as next in order.

Mr. HALE. Let the bill go to the Calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from Maine.

Mr. PILES. Mr. President, I object to that disposition of the bill.

Mr. HALE. It goes to Rule IX on a single objection.

Mr. PILES. If the Senator will allow it to go over without prejudice, I shall not call it up except when he is present in the Senate or after I have given him notice that I shall move to proceed to its consideration.

Mr. HALE. The Senator does not lose his right to move to take it up. A single objection carries it to Rule IX, and the



Senator can at any time move that the bill be taken up. Of course, he can never get it up by unanimous consent.

Mr. PILES. Then I move that the Senate proceed to the consideration of the bill.

Mr. HALE. The Senator can not make the motion now, as the Senate is considering unobjected cases.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from Maine.

#### CALAVERAS BIG TREE NATIONAL FOREST.

The bill (S. 8117) to create the Calaveras Bigtree National Forest, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDINGS.

Mr. SCOTT. I ask unanimous consent to submit a report from the Committee on Public Buildings and Grounds.

I report back without amendment the bill (H. R. 25758) amending an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," and I submit a report thereon. The purpose of the bill is to correct errors that were made in the public buildings act of the first session of the present Congress. It is very important to pass the bill, owing to the fact that there has been a ruling of the Treasury Department that where a public building act provided for only a post-office no room can be occupied by the internal-revenue collector or for any other purpose except as a post-office.

Mr. KEAN. The bill has passed the House?

Mr. SCOTT. The bill has passed the House. It does not carry an appropriation, and it is very essential that it should be passed to-day or at the very earliest date before we adjourn. I ask unanimous consent for the consideration of the bill.

The VICE-PRESIDENT. Is there objection to the consideration of the bill reported by the Senator from West Virginia?

Mr. HALE. The Senate is proceeding under an order made by unanimous consent to consider unobjected bills on the Calendar.

The VICE-PRESIDENT. Objection is made, and the next bill on the Calendar will be announced.

#### MENOMINEE INDIAN LANDS, WISCONSIN.

The bill (S. 8431) to authorize the cutting and sale of timber on land reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, in section 1, page 2, line 2, after the word "same," to strike out the words "by the said Indians in accordance with the provisions of law" and to insert "under such rules and regulations as may be prescribed by him; so as to make the section read:

That the dead and down timber upon the Menominee Reservation, in the State of Wisconsin, shall be each year estimated and logged and that no more standing and growing timber shall be cut than is sufficient, when added to the dead and down timber, to make 20,000,000 feet in the aggregate, and only such standing and growing timber shall be cut as shall be marked for cutting under the direction of the Forestry Service. The Secretary of the Interior may permit the manufacture into lumber by the said tribe of so much of said annual cut of logs as he may deem advisable, and the sale of the same, under such rules and regulations as may be prescribed by him.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LA FOLLETTE subsequently said: I move to reconsider the votes by which the bill (S. 8431) to authorize the cutting and sale of timber on land reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, was ordered to be engrossed for a third reading, read the third time, and passed.

The motion to reconsider was agreed to.

Mr. LA FOLLETTE. I move to add at the end of the bill the proviso I send to the desk.

The VICE-PRESIDENT. The Senator from Wisconsin proposes an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following proviso:

*Provided, That if in the opinion of the Secretary of the Interior the Indians can not log the dead and down timber now upon said reservation in time to save the same and protect the standing forest, he is hereby authorized to employ white laborers to assist said Indians to log the dead and down timber now upon said reservation.*

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### HUNGARIAN REFORMED FEDERATION OF AMERICA.

The bill (H. R. 24046) to incorporate the Hungarian Reformed Federation of America was announced as next in order on the Calendar.

Mr. HEYBURN. Let the bill go to the Calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX.

Mr. HEMENWAY. I hope the Senator from Idaho will not object to the consideration of the bill. Another bill just like it was passed a few days ago. Let me submit a parliamentary inquiry. Does an objection put a bill to the Calendar under Rule IX?

The VICE-PRESIDENT. An objection, with such a request, carries a bill to the Calendar under Rule IX.

Mr. HEMENWAY. Does the request of one Senator take a bill there?

The VICE-PRESIDENT. It does, under the uniform practice. Mr. SPOONER. Unless it is passed over without prejudice, it goes to the Calendar under Rule IX.

The VICE-PRESIDENT. Unless it is passed over without prejudice.

Mr. HEYBURN subsequently said: Mr. President, I asked that the bill (H. R. 24046) to incorporate the Hungarian Reformed Federation of America go over. I did that under a misapprehension, and I now desire to withdraw the request.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment.

Mr. SPOONER. I rise to inquire if there is a provision contained in that bill reserving the right to alter, amend, or repeal?

Mr. HEYBURN. There is.

The VICE-PRESIDENT. The bill contains such a provision.

Mr. SPOONER. Very well.

The bill was ordered to a third reading, read the third time, and passed.

#### COUNCIL CITY AND SOLOMON RIVER RAILROAD.

The bill (H. R. 23720) to aid the Council City and Solomon River Railroad Company was considered as in Committee of the Whole. It extends the time of the Council City and Solomon River Railroad Company to comply with the provisions of sections 4 and 5 of chapter 299 of the laws of the United States, entitled "An act extending the homestead laws and providing for the right of way for railroads in the district of Alaska, and for other purposes," approved May 14, 1898, in acquiring and completing its railroad now under construction in Alaska.

Mr. BERRY. Is that the bill that was here at the last session?

Mr. KEAN. It is not.

Mr. BERRY. I refer to the measure the Senator from New Hampshire [Mr. GALLINGER] was pressing.

Mr. KEAN. It is not. I opposed the bill the Senator from New Hampshire was pressing. I reported this bill.

Mr. BERRY. Very well.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ROSEBUD INDIAN RESERVATION.

The bill (S. 6618) to authorize the sale of a portion of the Rosebud Indian Reservation in South Dakota, and for other purposes, was announced as next in order.

Mr. GAMBLE. A similar bill has passed both Houses, and I move the indefinite postponement of this bill.

The motion was agreed to.

#### THE PANAMA CANAL.

The bill (S. 8488) to amend an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902, was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice.

Mr. MILLARD. I hope there will be no objection to the consideration of the bill.

The VICE-PRESIDENT. Objection is made to the consideration of the bill, and it goes over.

Mr. MILLARD. Mr. President, I should like to make a statement. This bill has the very earnest approval of the Secretary of War; it has the approval of the entire Committee on Inter-oceanic Canals; and it is important that it should be considered and passed.

Mr. GALLINGER. I will say to the Senator that I asked it should go over under a misapprehension. I withdraw the suggestion.

Mr. MILLARD. I ask that the bill be read.

The VICE-PRESIDENT. The suggestion being withdrawn, the bill will be read.

The Secretary proceeded to read the bill.

Mr. TELLER. Mr. President, I think it is inevitable that the bill will bring up considerable debate, and therefore I ask that it may go to the Calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from Colorado.

#### OMAHA INDIAN CLAIMS.

The bill (S. 6190) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, on page 1, line 7, after the word "for," to insert "determination of;" in the same line, after the word "amount," to insert "if any;" in line 8, before the word "said," to strike out "or claimed to be due;" in the same line, after the word "tribe," to strike out "of" and insert "from;" on page 2, line 2, after the word "all," to insert "legal or equitable;" in the same line, after the word "claims," to insert "if any;" in line 4, after the word "thereon," to strike out "and to enter judgment in favor of the attorneys of said Indians for attorneys' fees under their contract with said tribe;" in line 7, before the word "if," to insert "The Court of Claims shall advance said cause upon the docket;" in line 10, after the word "limitations," to insert "and the final judgment and satisfaction thereof in said cause shall be deemed a final settlement of all claims of said Omaha Indians against the United States;" in line 14, after the word "petition," to insert "subject, however, to amendment;" in line 15, after the word "the," to strike out "Secretary of the Interior furnishes the data provided for herein" and insert "passage of said act;" in line 21, after the word "by," to strike out the word "an" and insert "the;" in line 22, after the word "Indians," to insert "under the contract filed in the Indian Office on the 4th day of March, 1898, and reported upon to the Secretary of the Interior on the 1st day of May, 1901;" on page 3, line 4, after the word "evidence," to insert "if competent under the rules of said Court of Claims;" in line 6, after the word "the," to insert "attorney or attorneys of the;" in line 7, after the word "Indians," to strike out "on or before January 1, 1907, copies of all treaties and a complete record of all transactions of every character between the United States and the said Omaha tribe of Indians and all acts of the United States or its officials relating to the Omaha Indians or their affairs or interests" and insert "copies of such treaties, papers, correspondence, and records as may be called for by said attorneys of the Omaha tribe of Indians: *Provided further*, That upon the final determination of such suit the Court of Claims shall have jurisdiction to decree the fees to be paid the attorney or attorneys employed by the Omaha tribe of Indians, and the same shall be paid out of any sum or sums found due said Omaha tribe of Indians."

So as to make the bill read:

*Be it enacted, etc.*, That all claims of whatsoever nature which the Omaha tribe of Indians may have or claim to have against the United States shall be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said Omaha tribe from the United States under any treaties or laws of Congress or the unexecuted stipulations of any treaties, or for the misappropriation of any of the funds of said Omaha tribe, or for the failure of the United States to pay to said Omaha tribe any money due; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all legal or equitable claims, if any, of said Omaha tribe against the United States and to enter judgment thereon. The Court of Claims shall advance said cause upon the docket. If any question is submitted to said court, it shall settle the rights, both legal and equitable, of both the Omaha tribe of Indians and the United States, notwithstanding lapse of time or statutes of limitations, and the final judgment and satisfaction thereof in said cause shall be deemed a final settlement of all claims of said Omaha Indians against the United States. Such action in the Court of Claims shall be presented by a single petition, subject, however, to amendment, to be filed within one year after the passage of said act; and such action shall make the Omaha tribe of Indians party plaintiff and the United States party defendant, and shall set forth all the facts on which the Omaha tribe of Indians bases its claim for recovery; and the said petition may be verified by the attorney employed by the said Omaha Indians under the contract filed in the Indian Office on the 4th day of March, 1898, and reported upon to the Secretary of the Interior on the 1st day of May, 1901, upon information and belief as to the existence of such facts, and no other statements or verifications shall be necessary. Official letters, papers, reports, documents, and public records, or certified copies thereof, may be used in evidence if competent under the rules of said Court of Claims: *Provided*, That the Secretary of the Interior shall furnish to the attorney or attorneys of the Omaha tribe of Indians copies of such treaties, papers, correspondence, and records as may be called for by said attorneys of the Omaha tribe of Indians: *Provided further*, That upon the final determination of such suit the Court of Claims shall have

jurisdiction to decree the fees to be paid the attorney or attorneys employed by the Omaha tribe of Indians, and the same shall be paid out of any sum or sums found due said Omaha tribe of Indians.

Mr. CARTER. I observe that an amendment was read placing some limitation upon the attorneys' fees, and I understood later that that limitation had been removed. I think the bill should be amended so as to place some restrictions upon the Indian contract with reference to attorneys' fees.

Mr. SPOONER. Will the Senator allow me to interrupt him for a moment? Have these contracts for attorneys' fees been approved by the Secretary of the Interior, or are they mere contracts with the Indians?

Mr. BURKETT. I think they are contracts with the Indians; but the committee have reported to strike that out, as I understand it, and give the Court of Claims jurisdiction to decree the fees to be paid to the attorney or attorneys.

Mr. SPOONER. In the earlier part of the bill, as I heard it read, it was provided that the court should enter judgment in the matter of attorneys' fees.

Mr. BURKETT. That was stricken out. The words "and to enter judgment in favor of the attorneys of said Indians for attorneys' fees in their contract with said tribe" were stricken out by the committee.

Mr. CARTER. I doubt whether striking that out is sufficient. It seems to me that the court should be vested with jurisdiction to determine the reasonableness of the fees.

Mr. SPOONER. That provision ought to be in the bill.

Mr. PATTERSON. May not the bill be temporarily passed over, while the Senators are arranging an amendment?

Mr. BURKETT. It will take but a moment.

Mr. PATTERSON. We can recur to it. By unanimous consent it can be temporarily passed over.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Colorado that the pending bill be temporarily passed over?

Mr. BURKETT. I now move the amendment. On page 3, line 16, I move to amend the amendment of the committee by striking out the word "the" and inserting "such reasonable;" so as to read:

That upon the final determination of such suit the Court of Claims shall have jurisdiction to decree such reasonable fees to be paid the attorney or attorneys, etc.

Mr. SPOONER. Let it read, "such reasonable fees as the court shall find should be paid to the attorney or attorneys."

Mr. BURKETT. Very well.

Mr. ALLISON. I should like to ask what the suggestion is as respects the interest on these claims.

Mr. SPOONER. This is as to attorneys' fees. Let the amendment be read.

The VICE-PRESIDENT. The Senator from Nebraska proposes an amendment to the last committee amendment, which will be read.

The SECRETARY. On page 3, line 16, strike out "the," the last word in the line, and insert the words "such reasonable fees as the court shall find should be paid to the attorney or attorneys."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the remaining amendments of the committee.

The amendments were agreed to.

Mr. BURKETT. Now, also to meet an objection, I move, on page 1, line 9, after the word "under," the second word, to strike out "any treaties or laws of Congress or the unexecuted stipulations of any treaties" and to insert:

The treaty between the United States and said Omaha tribe of Indians ratified and confirmed March 16, 1854.

The purpose of the amendment is to simply refer to one treaty.

Mr. KEAN. The words "or for the misappropriation of any of the funds of said Omaha tribe" are to be left in?

Mr. BURKETT. That clause is to be left in. There was a dispute as to the Indian agent having misappropriated some funds. He did misappropriate them, but whether the Government or the Indians is liable for it is a disputed question.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 1, line 9, after the word "under," strike out "any treaties or laws of Congress or the unexecuted stipulations of any treaties" and insert:

The treaty between the United States and said Omaha tribe of Indians ratified and confirmed March 16, 1854.

The amendment was agreed to.

Mr. SPOONER. Now, I should like an answer to the question put by the Senator from Iowa [Mr. Allison] as to whether the bill makes any provision for interest.

Mr. BURKETT. I do not understand that it does.



Mr. SPOONER. If it does, that clause ought to be stricken out.

Mr. BURKETT. I think it does not. I have just run over the bill since the Senator from Iowa called my attention to it. I have read it through, and I can not find any provision for the payment of interest. I did not understand that it did. If it does, I will call it back for amendment.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BURNWELL COAL AND COKE COMPANY.

The bill (H. R. 25611) to authorize the Burnwell Coal and Coke Company to construct a bridge across the Tug Fork of Big Sandy River was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### DISPOSITION OF SCHOOL-LAND SECTION IN OKLAHOMA.

The bill (H. R. 24655) to authorize the legislature of Oklahoma to dispose of a certain section of school land was considered as in Committee of the Whole House. It proposes to authorize the legislature of Oklahoma, when the State of Oklahoma shall have been admitted, to grant section 16, in township 14 north, of range 4 east of the Indian meridian, Lincoln County, Okla., to the board of education of the city of Chandler, in that county, for school purposes upon such terms as the legislature may impose.

Mr. BEVERIDGE. I should be glad to have a short explanation of that bill. I do not understand it.

Mr. CARTER. Mr. President, my information concerning the bill is quite meager, but I understand from the Delegate from Oklahoma that it is desired to dispose of this particular section of school land to the educational institutions of the town of Chandler. Such donations have heretofore been made by Congress for the general school fund of a State, and the State legislature can not divert land from the purposes of the grant without the consent of Congress. This bill simply proposes to give the assent of Congress to the transfer of the particular section of land from one general school purpose to a special school purpose.

Mr. BEVERIDGE. Mr. President—

Mr. SPOONER. Why should this be done as to one town and not as to others?

Mr. BEVERIDGE. That is the very point.

Mr. CARTER. I understand the conditions are such as to make it exceptional, although I am not prepared to state in what particular. The bill has passed the other House. I have not examined the report, but the Delegate from Oklahoma is very earnest in his endeavor to have the bill passed. There appears to be no objection to it. It leaves the entire matter with the legislature of the State.

Mr. SPOONER. I suggest that the bill go over without prejudice.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

#### REPAYMENT OF CUSTOMS DUES.

The bill (H. R. 10305) to provide for the repayment of certain customs dues was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with amendments. The first amendment was, in line 5, after the word "repayment," to insert "to John Effinger, or his legal representative;" so as to read:

That the sum of \$111.70 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the repayment to John Effinger, or his legal representative, of the customs duties wrongfully collected at the port of Honolulu, in the Territory of Hawaii, on entries, etc.

The amendment was agreed to.

Mr. SPOONER. Though the bill states that these customs dues were wrongfully collected, that is not conclusive at all. I should like to know whether the duties were paid under protest. Who reported the bill?

Mr. CULLOM. There is no printed report with the bill.

The VICE-PRESIDENT. The bill was reported by the Senator from North Dakota [Mr. HANSBROUGH].

Mr. SPOONER. Let the bill go over without prejudice.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

Mr. HANSBROUGH subsequently said: I ask that we return to House bill 10305, a bill passed over while I was out of the Chamber. I think there can be no objection to the bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10305) to provide for the repayment of certain customs dues.

The VICE-PRESIDENT. The first amendment reported by the Committee on Finance has been agreed to. The next amendment will be stated.

The SECRETARY. The next amendment reported by the committee is on page 2, line 2, before the name "John Effinger," to insert "the said."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### EXPATRIATION AND PROTECTION OF CITIZENS.

Mr. BACON. I ask leave to submit at this time a report from the Committee on Foreign Relations.

The VICE-PRESIDENT. The report will be received, in the absence of objection.

Mr. BACON. I am directed by the Committee on Foreign Relations, to whom was referred the bill (H. R. 24122) in reference to the expatriation of citizens and their protection abroad, to report it favorably with certain amendments, and I ask unanimous consent that the bill may be considered and put on its passage at this time.

Mr. SPOONER. I suggest to the Senator from Georgia that I have a similar report which I wish to make, but we are acting now under a unanimous-consent agreement. The time is devoted by unanimous consent to the consideration of unobjectioned bills on the Calendar.

Mr. BACON. I did not know that fact.

Mr. CULLOM. The time will soon be up, and the Senator can then make his report.

Mr. BACON. Then I withdraw the report. I did not know that we were acting under a unanimous-consent agreement.

The VICE-PRESIDENT. The report is withdrawn.

#### EDITH A. HAWLEY.

The bill (S. 569) granting a pension to Edith A. Hawley was announced as next in order.

Mr. McCUMBER. I ask that that bill may be passed over, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill will be passed over, retaining its place.

Mr. BRANDEGEE. Did I understand the Senator from North Dakota to ask that the bill go over under Rule IX?

Mr. McCUMBER. No.

The VICE-PRESIDENT. The Senator simply requested that the bill should be passed over without prejudice.

Mr. BRANDEGEE. Very well.

#### COAL-LAND LOCATIONS IN ALASKA.

The bill (H. R. 17415) to authorize the assignees of coal-land locations to make entry under the coal-land laws applicable to Alaska was announced as next in order.

Mr. BEVERIDGE. Mr. President, I should like to have a word of explanation in regard to that bill.

Mr. FULTON. Mr. President, this bill was once before reported by the Senator from Minnesota [Mr. NELSON]. It passed the Senate, but a motion to reconsider the vote by which it was passed was entered. The motion was subsequently agreed to, and the bill was reconsidered, and re-referred to the Committee on Public Lands. Practically all the bill does as to changing existing law is to authorize the entry of coal lands in Alaska in unsurveyed regions, allowing the entryman to take up such lands by having them surveyed in rectangular form. Otherwise there is practically no way of taking up coal lands in Alaska. The change which has been made in the bill since it formerly passed the Senate is by the insertion of a provision to which I will call the attention of the Senate.

Mr. SPOONER. Mr. President, will the Senator not consent to let the bill go over without prejudice just now? It can be taken up later.

Mr. FULTON. I will; but with the permission of the Senator I wish to say a word.

Mr. SPOONER. Certainly.

Mr. FULTON. The Senator from Minnesota takes great interest in this bill and is quite anxious that it shall go through. If the Senator will allow me to complete my statement I will read the provision which has been added to the bill:

And provided further, That this act shall apply only to coal lands in the district of Alaska to which any right has been acquired in good faith and for the use and benefit of the claimant, and not for the use and benefit of any other person or association of persons, existent and enforceable prior to the withdrawal of such lands from entry by the orders of the Secretary of the Interior and at the date of this act; but any such right must be perfected within two years from the date hereof.

Mr. SPOONER. I suggest to the Senator that he permit the bill to go over for the time being.

Mr. FULTON. Very well.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

#### SETTLERS ON PUBLIC LANDS.

The bill (S. 7889) for the relief of certain settlers on the public lands, and for other purposes, was announced as next in order.

Mr. ALDRICH. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

#### SILETZ POWER AND MANUFACTURING COMPANY.

The bill (S. 6754) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon, was considered as in Committee of the Whole.

Mr. KEAN. I suggest to the Senator from Connecticut [Mr. BRANDEGEE], who reported this bill, that it should be amended so as to provide for the right of repeal by Congress.

Mr. BRANDEGEE. Mr. President, the bill in its present form was passed by both the Senate and the House at the last session of Congress and failed of the President's signature simply by reason of the lack of time. It has been submitted to the Secretary of the Interior and amended according to his suggestion.

Mr. KEAN. I do not think it would be any injury to the bill to insert another paragraph saying that Congress reserves the right to alter, amend, or repeal the act.

Mr. BRANDEGEE. I have no objection whatever to that amendment.

Mr. KEAN. I move to amend the bill by inserting as a new section:

That Congress reserves the right to alter, amend, or repeal this act.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to add as a new section the following:

SEC. 5. That Congress reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

Mr. BEVERIDGE. I do not pretend to ask even that this bill be passed over without prejudice, if the Senator from Connecticut and the committee have thoroughly investigated it, but upon the face of the bill—and that is the only reason I make the inquiry—upon the face of the bill it looks as though it were possible that an extremely valuable right were being granted here and, possibly, a very important monopoly. I do not pretend to ask even that it go over, but I want to call the attention of the Senator to that fact.

Mr. FULTON. Mr. President, I ask the Senator from Connecticut if the Department has not approved this bill?

Mr. BEVERIDGE. The Senator said that the Department had approved it.

Mr. FULTON. The Department has approved it and it has once passed Congress.

Mr. BEVERIDGE. We are passing it again now.

Mr. BRANDEGEE. Mr. President, the hearing was had before the House committee, and the House committee made a report upon the bill which the Senate committee adopted as its report. The House committee stated that the bill would be of great benefit to the white settlers along the line of the proposed ditch and canal, as well as to the Indians, for purposes of irrigation. I know nothing about it from the testimony of the witnesses, because we had no hearing, but adopted the House report upon the statement of the then Senator from Oregon, Mr. Gearin, whose bill it was, and the statement of the Senator from Oregon [Mr. FULTON] that they both advocated it and thought it was all right. We had also the statement of the Secretary of the Interior that, with the amendments we adopted, he approved of the bill. I thought there was sufficient evidence upon which to report it to the Senate.

Mr. HEYBURN. Mr. President, I would suggest that it is very doubtful if the plan will be carried out if you adopt the limitation suggested of allowing the right of repeal or amendment by Congress. I doubt if any capital would invest in an enterprise of this kind unless they knew that their right of way was a permanent grant. I know something of this class of investment in that country, and I suggest that while that is an appropriate reservation in a certain class of legislation, yet where it is contemplated to invest a large sum of money in a power plant it is not an appropriate limitation.

Mr. SPOONER. Will not the Senator in charge of this bill make a brief statement of what it involves? What is this ditch and how long is it?

Mr. BRANDEGEE. I am not familiar with and do not know

the dimensions of the reservation, I will say to the Senator from Wisconsin; but I think that the Senator from Oregon will probably be able to answer that question.

Mr. FULTON. I did not understand the question.

Mr. SPOONER. What is the character of the ditch?

Mr. FULTON. I do not know what the character of the ditch is.

Mr. SPOONER. Does anybody know?

Mr. FULTON. The bill was in charge of my former colleague, Mr. Gearin.

Mr. SPOONER. Is there a report accompanying the bill?

Mr. FULTON. My understanding is, Mr. President, that the ditch is for power purposes. I do not know the size of the ditch it is intended to construct.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### INDIAN TRADER MARION WESCOTT AND OTHERS.

The bill (H. R. 19500) for the relief of Indian traders Marion Wescott, F. F. Green, and J. A. Leige, assignee of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That jurisdiction is hereby conferred upon the Court of Claims to hear and report findings of fact to Congress upon the claims of Marion Wescott and F. F. Green and J. A. Leige, assignee of Joseph Gauthier, a Menominee Indian trader, and of others who furnished supplies and goods, wares, and merchandise to certain Menominee Indians after the year 1880, for the purpose of carrying on logging operations on the Menominee Indian Reservation in Wisconsin. Said claims shall be presented to said court by verified petition to be filed within ninety days from the date of the approval of this act. Said court shall in its findings determine the amount, if any, due upon each of said claims, and if the court shall find that there is a liability upon any of these claims, it shall then determine if such liability be that of the Menominee tribe of Indians or that of individual members of said tribe, and in either case it shall determine the amount, if any, chargeable to said tribe and to each of the individual debtors. The Menominee tribe of Indians is authorized to employ an attorney or attorneys to defend their interests in said action. The compensation of such attorney or attorneys to be fixed by the court and paid out of any funds of the said Menominee tribe of Indians in the Treasury of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### TEMPORARY HOME FOR EX-UNION SOLDIERS AND SAILORS.

The bill (S. 7929) to provide a temporary home for ex-Union soldiers and sailors in the District of Columbia was announced as next in order.

Mr. KEAN. Let that bill go over.

Mr. GALLINGER. I trust that the Senator will not ask for that.

Mr. KEAN. Is it to purchase a home?

Mr. GALLINGER. It is to purchase a place for the soldiers and sailors in the District of Columbia. They are in an utterly insanitary building, without adequate facilities for taking care of them. Almost every State in the Union has a decent place for its soldiers and sailors who are unfortunate. This bill proposes to purchase a very inexpensive building and have it properly fitted for these men. I hope the Senator will let the bill be acted upon.

Mr. KEAN. Very well; I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, on page 1, section 2, line 11, after the word "managers," to strike out "of the board of management;" so as to make the section read:

SEC. 2. That such home shall be under the control and management of the board of managers of the Temporary Home for Soldiers and Sailors, which was incorporated on the 26th day of October, 1888, under section 3 of the act of Congress approved May 5, 1870, being "An act to provide for the creation of corporations in the District of Columbia by general laws," which board shall make rules and regulations for the government of said home, subject to the approval of the Secretary of War, a copy of which rules and all amendments thereto shall be filed with the board of charities of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 2, to strike out section 5, as follows:

SEC. 5. That the Treasurer of the United States is hereby made treasurer of said board of managers, and all funds, except for the purchase, remodeling, and equipment of such home shall be paid out by him upon



accounts approved by the president of said board of managers and countersigned by the superintendent of said home.

The amendment was agreed to.

Mr. GALLINGER. On page 2, line 13, after the word "shelter," I move to insert the words "not more than."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "shelter," in section 3, page 2, line 13, it is proposed to insert the words "not more than;" so as to make the section read:

SEC. 3. That the title of the property when purchased shall be vested in the United States; and the Secretary of War is authorized to remodel and equip such home to properly house and shelter not more than 75 inmates.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CLAIMS ARISING UNDER THE NAVY DEPARTMENT.

The bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments.

The first amendment was, on page 7, after line 2, to strike out:

To pay the owners of the schooner Flirt cost of cable damaged by the U. S. S. Macdonough, on November 14, 1905, the sum of \$47.50.

The amendment was agreed to.

The next amendment was, on page 7, after line 6, to strike out:

To pay Edward Simmons one-half of the cost of repairs of damages to his steam tug William Alexander, caused by collision with the U. S. S. Mantonmah on October 9, 1893, the sum of \$108.50.

The amendment was agreed to.

The next amendment was, on page 7, after line 11, to strike out:

To pay the contractor for dry dock No. 4, navy-yard, New York, the cost of repairs of damages to cable tower on said dry dock, caused by collision with the U. S. S. Dolphin on August 1, 1905, the sum of \$922.

The amendment was agreed to.

The next amendment was, on page 9, after line 8, to insert:

To pay John H. Lohman the balance due him on account of bounty accruing by the destruction of the enemy's vessels at the battle of Santiago, July 3, 1898, he being there and then an acting gunner, whereas he was allowed and paid bounty as chief gunner's mate only, \$59.20.

Mr. KEAN. That is a different kind of claim from the others; and I do not think it belongs on this bill.

Mr. SPOONER. I ask that that amendment be again stated.

Mr. KEAN. It is not printed in the copy of the bill I have.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The Secretary again stated the amendment.

Mr. FULTON. I will say that it is recommended—

Mr. LODGE. These are all audited claims against the Navy Department.

Mr. BEVERIDGE. They are all right.

The amendment was agreed to.

The next amendment was, on page 9, after line 13, to insert:

To pay to the McCall-Dinning Company, of Baltimore, Md., interest due to delay in payment of freight charges for cargoes transported from the United States to Manila, P. I., in the ships Amberton, King Robert, and Floriston, including cost of cable messages and charges in collecting freight, \$1,666.57.

Mr. KEAN. The amendment just read I notice is to pay interest. I call the attention of the chairman of the committee to it. I do not think we ought to pay interest.

Mr. HALE. Strike out the interest.

Mr. FULTON. Very well. Which item is it?

Mr. KEAN. The Baltimore item. I do not object to a claim, but I do not want the Government to pay interest.

Mr. FULTON. I see that is entirely an interest item.

Mr. LODGE. Let it go out.

Mr. FULTON. I have no objection to its going out.

Mr. SPOONER. Let it be disagreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Claims.

The amendment was rejected.

The next amendment of the Committee on Claims was, on page 9, after line 20, to insert:

To reimburse Capt. E. J. Dorn, United States Navy, retired, in the amount expended by him as disbursing officer at the naval station, Tutuila, in June, 1901, and checked against his account because the vouchers representing such expenditures have been lost, \$483.00.

The amendment was agreed to.

The next amendment was, on page 10, after line 2, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise

appropriated, to Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett, the sum of \$2,062.06, in full for the balance due her husband, the said Mullett, on account of compensation and his actual expenses incurred as commissioner appointed from civil life on the navy-yard commission under the provisions of the act of August 5, 1882, making appropriations for the naval service, said balance being based upon vouchers heretofore issued and approved by the Secretary of the Navy, and now in the possession of the widow of said Mullett.

Mr. FULTON. Let the amendment be disagreed to.

The amendment was rejected.

The next amendment was, on page 10, after line 15, to insert:

That jurisdiction in equity is hereby conferred upon the circuit court of the United States for the ninth circuit to examine and determine the rights of American citizens under the award of the Paris arbitration concerning the jurisdiction of Bering Sea. That all American citizens whose rights were affected by said award may submit to the court their claims thereunder, and the court shall enter judgment thereon. Claims not submitted within two years from the passage of this act shall thereafter be forever barred.

Mr. LODGE. This amendment is not a naval matter.

Mr. FULTON. No; it is not.

Mr. LODGE. These are claims arising under the Navy Department, and they have been audited and they ought to be paid. The bill should pass; but the last amendment relates to the rights of American citizens under the award of the Paris arbitration concerning the jurisdiction of Bering Sea. It is not a matter which concerns naval affairs, and I hope the Senator will not press the amendment.

Mr. FULTON. A word about the amendment. In another form it has already passed the Senate. It does not arise under the Navy Department, but it has passed the Senate. It is a matter which in its nature is somewhat related to the Navy Department, and I think it is proper that it should be retained in the bill. The title of the bill should be amended slightly if this amendment is adopted. I hope the amendment will be agreed to.

Mr. GALLINGER. I rise to a parliamentary inquiry in connection with the bill.

The VICE-PRESIDENT. The Senator from New Hampshire rises to a parliamentary inquiry. He will state it.

Mr. GALLINGER. I have a copy of the bill as reported by the Senator from Oregon, and none of these amendments as stated by the Secretary appear in the bill.

Mr. FULTON. In the first print they were omitted.

Mr. GALLINGER. If the bill is to be loaded down by every claim that has passed the Senate, I shall have to object to its consideration.

Mr. HALE. The bill is a very important one. It was referred from the Committee on Naval Affairs, where it was first sent, upon the proposition that these claims ought all to be considered by the Committee on Claims. I am repeating what I said an hour ago; and I hope the Senator from Oregon will not load the bill and lose it here by insisting on any of these other provisions which are not strictly claims, and that he will consent to this clause, that is objected to, going out.

Mr. FULTON. I shall not insist on it.

Mr. HALE. Let it be disagreed to.

Mr. FULTON. I do not wish to endanger the passage of the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Claims.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to satisfy certain claims against the Government arising under the Navy Department, and for other purposes."

#### PROPOSED EXECUTIVE SESSION.

Mr. SPOONER. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Wisconsin will state his parliamentary inquiry.

Mr. SPOONER. Is there any time limit on this order of business?

The VICE-PRESIDENT. The Chair understands there is not.

Mr. SPOONER. Then I wish to give notice that at 5 o'clock I shall move an executive session.

Mr. KEAN. I will say to the Senator from Wisconsin that I was going to do the same thing at that time.

#### ALLEGHENY RIVER BRIDGE, IN ARMSTRONG COUNTY, PA.

The bill (H. R. 25627) to authorize the county of Armstrong, in the State of Pennsylvania, to construct a bridge across the Allegheny River in Armstrong County, Pa., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ESTATE OF JOSEPH HAGUE, DECEASED.

The bill (S. 5878) for the relief of Phillip Hague, administrator of the estate of Joseph Hague, deceased, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, in line 7, after the words "sum of," to strike out "thirteen thousand seven hundred and forty-one" and insert "one thousand seven hundred and forty-two;" in line 9, after the word "cents," to strike out "for loss, pilotage, towage, demurrage, and costs by him expended to estimate repairs" and insert "in full of all claims by reason;" and in line 11 to strike out "by;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Phillip Hague, administrator of the estate of Joseph Hague, deceased, late of New York City, N. Y., out of any money in the Treasury not otherwise appropriated, the sum of \$1,742.66, in full of all claims by reason of the brigantine Mary Margaret being run into by the U. S. transport steamer Belvidere in the harbor of Galveston, Tex., on September 19, 1865.

Mr. SPOONER. I wish to ask the Senator who reported the bill, if he is present, whether it is recommended by the Department?

Mr. BURKETT. Yes and no.

Mr. SPOONER. That means "no."

Mr. BURKETT. Here is the report. The bill has been worked over for a long time. It has been to the Department. The Department can not recommend it. They can not find at present the records there; but from various places we have got the records and have established beyond doubt that the ship was run into; that a Government board was called at once and ascertained the loss to be \$1,500. While the bill carries \$13,000, it is proposed to be amended, cutting it down to \$1,700—\$1,500, the amount at which the board of review adjusted the loss, and one hundred and fifty or two hundred dollars additional for some towage that the Government ordered done.

Mr. SPOONER. I desire to inquire of the Senator how the committee gets information that the Department can not afford?

Mr. BURKETT. We dug it up from other committees, and in various ways. It had been filed with committees in years gone by.

Mr. SPOONER. How long has it waited?

Mr. BURKETT. I do not know. It has been before Congress a good many years, I will say.

Mr. SPOONER. The next session will be a long one, and I think perhaps it had better go to the Calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX.

## MILLE LAC BAND OF CHIPPEWA INDIANS, MINNESOTA.

The bill (S. 8420) for the relief of the Mille Lac band of Chippewa Indians, in the State of Minnesota, and for other purposes, was considered as in Committee of the Whole. It confers upon the Court of Claims jurisdiction to hear and determine a suit or suits to be brought by and on behalf of the Mille Lac band of Chippewa Indians, in the State of Minnesota, against the United States on account of losses sustained by them or the Chippewas of Minnesota by reason of the opening of the Mille Lac Reservation, in the State of Minnesota, embracing about 61,000 acres of land, to public settlement under the general land laws of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## JICARILLA RESERVATION.

The bill (H. R. 23650) to quiet title to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported by the Committee on Indian Affairs with amendments.

The first amendment of the Committee on Indian Affairs was, in section 1, on page 2, line 7, after the word "eighty-eight," to strike out the semicolon and the words "but the merchantable timber on any allotments authorized by this act is hereby excepted from allotment to be disposed of as hereinafter provided" and to insert the following proviso:

*Provided*, That in making such allotments values shall be considered so as to make the allotments uniform in value as near as practicable. That the Secretary of the Interior may dispose of all merchantable timber on allotments herein authorized during the term these are held in trust and on the surplus lands for twenty-five years, the proceeds therefor to be expended under his direction for purposes beneficial to the individual allottees hereunder and their heirs, or for families, as he may deem best, and no part of such proceeds shall be expended for community or common benefits other than irrigation, but shall be equitably apportioned as near as may be among the Indians entitled.

The amendment was agreed to.

The next amendment was, on page 2, after line 20, to strike out section 2, as follows:

SEC. 2. That the Secretary of the Interior may dispose of all merchantable timber on allotments herein authorized during the term these are held in trust, and on the surplus lands for twenty-five years; the proceeds therefor to be expended under his direction for purposes beneficial to the individual allottees hereunder and their heirs, or for families, as he may deem best, and no part of such proceeds shall be expended for community or common benefits other than irrigation, but shall be equitably apportioned as near as may be among the Indians entitled.

The amendment was agreed to.

The next amendment was, on page 3, after line 5, to strike out section 3, as follows:

SEC. 3. That the Secretary of the Interior is hereby empowered and directed to make relinquishment for any minor, insane, incompetent, or unidentified Indian for the purpose of carrying out the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

## HOMER QUICK.

The bill (H. R. 22210) to correct the military record of Homer Quick was considered as in Committee of the Whole. It provides that Homer Quick shall hereafter be held and considered to have been honorably discharged from the military service of the United States on the 13th day of April, 1864.

Mr. KEAN. I think the bill ought to state what service the soldier rendered. Let the bill go over.

The VICE-PRESIDENT. It will be passed over.

Mr. KEAN. I have no objection to the bill—

Mr. BEVERIDGE. Let it go over without prejudice.

Mr. CURTIS. The junior Senator from Indiana [Mr. HEMENWAY] asked me to call attention to this bill if it came up. I understand it was drawn at the Department.

Mr. BEVERIDGE (to Mr. KEAN). I hope you will withdraw your objection to the bill.

Mr. KEAN. I have no objection to the bill, but it ought to state some service.

Mr. BEVERIDGE. It is a House bill and was drawn by the Department, as the Senator from Kansas says. I am certain of this: It was reported by my colleague from the Committee on Military Affairs, and my knowledge of him is such that I am absolutely certain no bill would be reported by him which ought not to pass here.

Mr. LODGE. The Senator from Indiana who reported the bill is not here, and I should think there would be no harm in waiting. He can undoubtedly explain it.

Mr. CURTIS. I have no objection to that course.

Mr. GALLINGER. That omission can be supplied by the report—"late captain Company K, First Missouri Volunteers."

Mr. BEVERIDGE. Let that be done now.

Mr. GALLINGER. I move that amendment.

Mr. LODGE. Add those words, and it will make it all right.

The VICE-PRESIDENT. The Senator from New Hampshire proposes an amendment, which will be stated.

The SECRETARY. After the name "Homer Quick," in line 3, it is proposed to insert "late captain Company K, First Missouri Volunteers."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

## GORDON, IRONSIDES &amp; FARES COMPANY (LIMITED).

The bill (H. R. 16085) for the relief of Gordon, Ironsides & Fares Company (Limited) was considered as in Committee of the Whole. It proposes to pay the beneficiaries \$7,626.08, that sum having been exacted as duties and paid to the collector of customs at Boston, covering a consignment of 602 head of cattle and 1,757 sheep shipped from Canada in bond via Boston, Mass., to Liverpool, England, and being prohibited from being so shipped by general orders from the Department of Agriculture.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## DISPOSITION OF CERTAIN LANDS IN NEBRASKA.

The bill (H. R. 21944) relating to the entry and disposition of certain lands in the State of Nebraska was announced as the next business in order on the Calendar.

Mr. LODGE. Let the bill go over for the present.

The VICE-PRESIDENT. The bill will be passed over without prejudice.



Mr. KEAN subsequently said: Now, let us go back to the bill (H. R. 21944) relating to the entry and disposition of certain lands in the State of Nebraska.

The VICE-PRESIDENT. The Senator from New Jersey withdraws his objection to the consideration of the bill.

The bill was considered as in Committee of the Whole. It provides that all qualified entrymen who, during the period beginning on the 28th day of April, 1904, and ending on the 28th day of June, 1904, made homestead entry in the State of Nebraska within the area affected by an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved public lands in Nebraska," approved April 28, 1904, shall be entitled to all the benefits of that act as if their entries had been made prior or subsequent to the above-mentioned dates, subject to all existing rights.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### FORT CONSTITUTION, N. H.

The bill (S. 32) for the relief of the State of New Hampshire was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, on page 1, line 6, before the word "thousand," to strike out "thirty" and insert "fifteen;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the State of New Hampshire, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000, in full for a certain tract of land, together with the fort thereon, ceded by said State in 1791 to the United States, and for an adjoining tract of land similarly ceded in 1807, said tracts of land forming the site of Fort Constitution, in Portsmouth Harbor, and said sum being a reasonable amount which has become due and payable to said State of New Hampshire under the provisions of the two several acts of cession aforesaid.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### TANANA MINES RAILROAD.

The bill (H. R. 25184) to relieve the Tanana Mines Railroad in Alaska from taxation was considered as in Committee of the Whole.

Mr. CARTER. Under the bill the period of construction can be indefinitely postponed.

Mr. BEVERIDGE. No, no, Mr. President. The period of exemption is ten years on that which is not constructed and five years on that which is constructed. I will say to the Senator that this same exemption has been made for every railroad company that has done in Alaska as these people, that has done actual work.

Mr. CARTER. I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ALLOTMENT OF INDIAN LANDS.

The bill (H. R. 25570) to amend an act approved May 8, 1906, entitled "An act to amend section 6 of the act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes,'" was announced as next in order.

Mr. CURTIS. A Senator notified me of his desire to be heard when this bill is up, and I ask that it may go to the Calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from Kansas.

#### ISSUANCE OF BONDS IN NEW MEXICO.

The bill (H. R. 12857) to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LAND DISTRICTS IN ALASKA.

The bill (H. R. 25041) to provide for the creation of additional land districts in the district of Alaska was announced as next in order.

Mr. HANSBROUGH. I observe that this bill was reported by the Committee on Territories.

Mr. BEVERIDGE. It was.

Mr. HANSBROUGH. And it provides for the creation of additional land districts in the district of Alaska?

Mr. BEVERIDGE. It does.

Mr. HANSBROUGH. I do not know that any land district has ever been created by act of Congress where the bill did not go to the Committee on Public Lands. I do not know how it came about that this bill was referred to the Committee on Territories. Clearly a subject of that kind belongs to the Committee on Public Lands. I shall be obliged to object to the consideration of the bill.

Mr. BEVERIDGE. I hope the Senator will not object. I can make a statement that I think will show the Senator the absolute necessity of this bill becoming a law. I do not know how the bill came to be referred to the Committee on Territories. I hope the Senator, on account of its having come to the Committee on Territories instead of the Committee on Public Lands, will not object to its passage. I can make a statement that will clear up the whole bill.

Mr. HANSBROUGH. Does the Senator know of any reason why the bill should have gone to the Committee on Territories instead of the Committee on Public Lands, where it undoubtedly belongs?

Mr. BEVERIDGE. I have not the slightest idea. It came in regular course; the committee found it on the calendar of its business; but I have the impression that it was before the Committee on the Territories of the House. It is a bill which has passed the House. Anyway we have gone over the facts in the case. I will say to the Senator that there was no intention of any discourtesy in the reference of the bill to the Committee on Territories. It has been given faithful attention. I would just as soon that it had gone to the Committee on Public Lands as not.

Mr. HANSBROUGH. Mr. President, I wish to make a statement. If this were the first time that bills belonging to the Committee on Public Lands had been referred to the Committee on Territories I do not know that I would make any serious objection; but on several occasions, particularly in the case of a special bill granting a charter to a railroad company in Alaska, when there is a general law for such things, the bill went to the Committee on Territories when it should have gone to the Committee on Public Lands, because it granted public lands. Any measure granting public lands should go to the Committee on Public Lands.

Mr. BEVERIDGE. I hope the Senator will not object to this bill, but let his objection be made the next time it occurs.

Mr. HANSBROUGH. I will hear the bill read before I withdraw my objection.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. CARTER. Mr. President, I have no intention of objecting to the passage of the bill, but I think it is a proper time to make a suggestion with reference to the disposition of public lands in Alaska. A habit or custom has grown up with reference to Alaska not heretofore applicable to any other Territory or district of the United States. The Committee on Territories have to do with the government of the Territories. As to Alaska the Committee on Territories has assumed jurisdiction over the public domain within the Territory or district. Rights of way for railroads, grants of coal lands, particular exemptions as to the occupancy of public lands have been heretofore assumed by the Committee on Territories. I think the practice is unfortunate and should be discontinued.

This bill is undoubtedly meritorious, and it has unquestionably received full consideration, but hereafter I think it is well to have it understood that the public lands of the United States, in so far as this body is concerned, shall be dealt with by the committee created under the rules to deal with that particular subject, and that bills relating to Alaska having to do with the disposition of public lands will be referred to the committee of the Senate having direct jurisdiction over the subject-matter.

Mr. BEVERIDGE. Mr. President, lest my silence should give assent to the arrangement suggested by the Senator from Montana, I must say that I can not agree with him, nor can the Committee on Territories, as to the future disposition of bills. But of course it is better to go into the question of what committee shall have jurisdiction of a bill when the question arises in the future upon a bill concerning these various subjects. At such a time when the question is to be determined the Committee on Territories will endeavor to justify its jurisdiction. This bill is up and it ought to pass. I could make a statement regarding it which would clear it up in anybody's mind.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had

passed the bill (S. 8377) to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 10574. An act granting a pension to Edward W. Hoban;  
H. R. 19589. An act granting a pension to Aaron Davis;  
H. R. 21721. An act granting a pension to John R. Kissinger;  
H. R. 25005. An act granting an increase of pension to Eme-line H. Hardie; and  
H. R. 25440. An act granting an increase of pension to Catharine Lipes.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 25401. An act to authorize the Secretary of War to make certain disposition of condemned guns and cannon balls;

H. R. 25716. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, Minn.," approved June 14, 1906;

H. R. 25717. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Clearwater, Wright County, Minn.," approved June 14, 1906;

H. R. 25773. An act permitting the building of a dam across the Savannah River at McDaniel Shoals;

H. R. 25774. An act permitting the building of a dam across the Savannah River at Turner Shoals;

H. R. 25776. An act permitting the building of a dam across the Savannah River at Middleton Shoals; and

H. R. 25795. An act to authorize the Pensacola and North-eastern Railroad Company, a corporation existing under the laws of the State of Florida, to construct a bridge over the Escambia River between the counties of Santa Rosa and Escambia, in the State of Florida.

#### HOUSE BILLS REFERRED.

H. R. 25401. An act to authorize the Secretary of War to make certain disposition of condemned guns and cannon balls, was read twice by its title, and referred to the Committee on Military Affairs.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 25716. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River above near the village of Clearwater, Wright County, Minn.," approved June 14, 1906;

H. R. 25717. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Clearwater, Wright County, Minn.," approved June 14, 1906;

H. R. 25773. An act permitting the building of a dam across the Savannah River at McDaniel Shoals;

H. R. 25774. An act permitting the building of a dam across the Savannah River at Turner Shoals;

H. R. 25776. An act permitting the building of a dam across the Savannah River at Middleton Shoals; and

H. R. 25795. An act to authorize the Pensacola and North-eastern Railroad Company, a corporation existing under the laws of the State of Florida, to construct a bridge over the Escambia River between the counties of Santa Rosa and Escambia, in the State of Florida.

#### MONONGAHELA RIVER BRIDGE AT PITTSBURG.

The bill (H. R. 25691) to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EXTENSION OF ALBEMARLE STREET.

The bill (H. R. 23940) for the extension of Albemarle street NW., District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### AMENDMENT OF STATEHOOD ACT.

The bill (S. 8498) to amend sections 16, 17, and 20 of an act entitled "An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the

original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 16, 1906, and for other purposes, was announced as next in order.

Mr. LODGE. Let the bill go over.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

Mr. LONG. This is a very important bill. There can be no possible objection to it. I hope the Senator from Massachusetts will not insist upon its going over. It corrects an error made in the statehood act.

Mr. LODGE. I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Territories with an amendment, in section 4, page 6, line 21, before the word "thousand," to strike out "five" and insert "four;" so as to make the section read:

SEC. 4. That the United States marshals and the United States district attorneys for the eastern and western districts of the State of Oklahoma shall each be paid, in lieu of all fees, per centums, and other compensation an annual salary of \$4,000.

Mr. LONG. I move to strike out section 4 of the bill.

The motion was agreed to.

The VICE-PRESIDENT. Section 5 will be renumbered so as to read section 4.

Mr. BACON. I wish to suggest a slight amendment that I think the Senator from Kansas will accept. I think the words "in such cases and" ought to be put in by way of amendment on the fourth page, at the beginning of the second line. The clause has reference to review by the Supreme Court of the United States, or by the United States circuit court of appeals, and simply makes provision for review in a certain manner. I think the words "in such cases and" ought to be inserted after the word "appeals," at the end of the first line, on page 4; so as to read:

All final judgments and decrees rendered in such circuit and district courts is such transferred cases may be reviewed by the Supreme Court of the United States, or by the United States circuit court of appeals, in such cases and in the same manner as is now provided by law with reference to the judgments and decrees of the existing United States circuit and district courts.

Mr. LODGE. I have no objection to that amendment.

The VICE-PRESIDENT. The Senator from Georgia proposes an amendment, which will be stated.

The SECRETARY. On page 4, line 1, after the word "appeals," at the end of the line, insert "in such cases and."

The amendment was agreed to.

Mr. BACON subsequently said: Mr. President, I move to reconsider the vote by which Senate bill 8498 was passed, so that I may correct the phraseology of an amendment. It will take but a moment.

Mr. GALLINGER. What is the order of business?

Mr. BACON. It is one of the bills we have just passed. I simply want to correct the phraseology of an amendment.

Mr. BEVERIDGE. I have no objection, if that is the purpose of the motion.

Mr. BACON. It is simply to insert the word "the" for the word "such."

The VICE-PRESIDENT. The Senator from Georgia moves to reconsider the vote by which Senate bill 8498 was ordered to be engrossed for a third reading, read the third time, and passed.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The bill is in the Senate and open to amendment.

Mr. BACON. I wish to amend the amendment on page 4, in line 1—

The VICE-PRESIDENT. In the absence of objection, the amendment will be considered as open to amendment.

Mr. BACON. In the amendment heretofore offered by me, on page 4, line 1, before the word "cases," I move to strike out the word "such" and insert the word "the;" so that the amendment will read "in the cases and" instead of "in such cases and."

Mr. BEVERIDGE. That is acceptable.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### EXTENSION OF MONROE STREET NE.

The bill (H. R. 10703) authorizing the extension of Monroe street NE. was considered as in Committee of the Whole.



The bill was reported from the Committee on the District of Columbia with an amendment, in section 2, page 2, line 12, after the word "extension," to insert the following proviso:

*Provided also, however,* That the associated professors of St. Mary's Seminary, of Baltimore, Md., on account of their dedication by contract heretofore of 9,000 feet of adjacent land for the extension of Seventh street, are not to be assessed for said benefits.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

Mr. BEVERIDGE. I hope the Senator will withhold that motion.

Mr. HANSBROUGH. I ask the Senator from Rhode Island to yield to me for a moment.

Mr. ALDRICH. I will yield to the Senator from North Dakota to make a request.

#### PUBLIC LANDS FOR CEMETERY PURPOSES.

Mr. HANSBROUGH. I ask the Chair to lay before the Senate the amendments of the House to Senate bill 6229.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6229) to authorize the sale of public lands for cemetery purposes; which were, on page 1, line 4, to strike out "municipal corporation;" on page 1, line 8, to strike out "forty" and insert "eighty;" and on page 1, line 12, after "acre," to insert:

*Provided,* That title to any land disposed of under the provisions of this act shall revert to the United States should the land or any part thereof be sold or cease to be used for the purpose herein provided.

Mr. HANSBROUGH. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

Mr. KNOX. Mr. President—

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Pennsylvania?

Mr. SPOONER. I hope the Senator from Rhode Island will withhold his motion for fifteen minutes.

Mr. BEVERIDGE. Make it twenty minutes.

Mr. PATTERSON. There are only a few more bills left on the Calendar under Rule VIII.

Mr. SPOONER. Let us get through with the Calendar.

Mr. ALDRICH. I will, at the solicitation of Senators, withhold the motion.

The VICE-PRESIDENT. The Senate is still operating under the unanimous-consent agreement.

Mr. GALLINGER. Regular order!

#### REFUND OF INTERNAL-REVENUE TAX.

The bill (H. R. 5) to provide for the refunding of certain money, etc., was considered as in Committee of the Whole. It proposes to refund to the Phoenix Brewing Company, of Pittsburg, \$1,575, and to the Ober Brothers Brewing Company, of Allegheny, \$225, these amounts having been illegally assessed by the Commissioner of Internal Revenue and collected by the collector of internal revenue for the twenty-third district of Pennsylvania in the year 1898, and the same being 7½ per cent discount upon the amounts of fermented-liquor stamps purchased by these corporations, respectively, upon the 24th day of July, 1897, such assessment and collection having been decided to be illegal by the Attorney-General of the United States, and his decision having been acquiesced in by the Treasury Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### GEORGE W. SCHROYER.

The bill (H. R. 16581) for the relief of George W. Schroyer was considered as in Committee of the Whole. It proposes to pay to George W. Schroyer, of Lancaster, Pa., \$102.30, being duty paid on certain bulbs which when received were found to be damaged and worthless.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### W. D. CLAY AND OTHERS.

The bill (S. 8542) to authorize W. D. Clay and others to select lands in lieu of lands purchased by the father of said parties from the United States Government and lost by said heirs was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments, in line 8, before the word "unappropriated,"

to insert "nontimbered;" and in the same line, after the word "lands," to insert "in the State of Alabama;" so as to make the bill read:

*Be it enacted, etc.,* That William D. Clay, James W. Clay, and Maggie Click, heirs of James W. Clay, deceased, be, and they are hereby, authorized to select in lieu of lands heretofore erroneously patented by the Government to their father, James W. Clay, and lost by said heirs, any other 80 acres of nonmineral, nontimbered, unappropriated surveyed public lands in the State of Alabama subject to homestead entry: *Provided,* That before making such selection they shall deliver to the Secretary of the Interior a duly executed and recorded quitclaim deed to the United States, conveying only such right and title as the said James W. Clay, deceased, acquired to the east half of the northwest quarter of section 16, township 6 south, range 3 east, in Alabama, by virtue of a patent issued to him for the said lands on the 2d day of April, 1857, and surrendering such patent to the Secretary of the Interior if in their possession, or filing with him an affidavit that they are unable to procure said patent, if such is the case, and shall file an abstract and affidavit showing that they, or James W. Clay, the patentee, have never conveyed to anyone the title derived from said patent: *Provided further,* That the right of selection of lieu lands provided for above shall be exercised within five years from the approval of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### LANDS ADJOINING COEUR D'ALENE INDIAN RESERVATION.

The bill (H. R. 24374) to fix the boundaries of lands of certain landowners and entrymen adjoining the Coeur d'Alene Indian Reservation was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### FOUNDATION FOR PROMOTION OF INDUSTRIAL PEACE.

The bill (S. 8303) to establish the Foundation for the Promotion of Industrial Peace was announced as next in order.

Mr. BEVERIDGE. Let that bill be passed over without prejudice, Mr. President.

Mr. LODGE. I trust the Senator will allow the bill to pass. There can be no possible objection to it. It establishes trustees who are to receive from the President the Nobel prize for the foundation of a society for the promotion of industrial peace.

Mr. BEVERIDGE. I understand the bill, and I am for it, and if the Senator insists, I will withdraw my objection. The only reason I made the request that it should go to the Calendar without prejudice was to save time. I withdraw the objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. The preamble recites that whereas Alfred Bernard Nobel, of the city of Stockholm, in the Kingdom of Sweden, having by his last will and testament provided that the residue of his estate shall constitute a fund the income from which shall be annually awarded in prizes to those persons who have during the year contributed most materially to benefit mankind, and having further provided that one share of said income shall be awarded to the person who shall have most or best promoted the fraternity of nations and the abolishment or diminution of standing armies and the formation and increase of peace congresses; and the Norwegian Parliament having, under the terms of said foundation, elected a committee for the distribution of the peace prize, and this committee having in the year 1906 awarded the aforesaid prize to Theodore Roosevelt, President of the United States, for his services in behalf of the peace of the world; and the President desiring that this award shall form the nucleus of a fund the income of which shall be expended for bringing together in conference at the city of Washington, especially during the sessions of Congress, representatives of labor and capital for the purpose of discussing industrial problems, with the view of arriving at a better understanding between employers and employees, and thus promoting industrial peace; therefore the bill provides that the Chief Justice of the United States, the Secretary of Agriculture, and the Secretary of Commerce and Labor, and their successors in office, together with a representative of labor and a representative of capital and two persons to represent the general public be appointed by the President of the United States and created trustees of an establishment by the name of the Foundation for the Promotion of Industrial Peace, with authority to receive the Nobel peace prize awarded to the President and by him devoted to this foundation, and to administer it in accordance with the purposes herein defined. Any vacancies occurring in the number of trustees shall be filled in like manner by appointment by the President of the United States, etc.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

## CENTRAL COLORADO POWER COMPANY.

The bill (H. R. 24118) granting to the Central Colorado Power Company a right of way over certain public lands, for irrigation and electric power plants, in the State of Colorado was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## SURETIES OF WILLIAM H. GOWDY.

The bill (H. R. 4629) for the relief of William H. Gowdy was considered as in Committee of the Whole. Section 1 proposes that Alfred S. Andrew, Leander H. Gowdy, G. Morrison Taylor, C. C. Engleman, Jacob C. McCoy, Orlander F. Ralston, L. W. Ralston, J. R. McKinnie, Henry Chatillon, James M. Parker, F. B. Wortman, Alphonse F. Perrier, and M. A. Dickinson, sureties of William H. Gowdy, late postmaster at Fremont, Moreland, Fremont, and Cripple Creek, Colo., respectively, by bonds to the United States dated August 7, 1891; December 19, 1891; March 10, 1892, and July 8, 1892, be released from their liability arising from any deficiency that may have occurred in the accounts of William H. Gowdy as postmaster during the term covered by the transcripts of accounts from the Treasury Department and from any judgment which may have been obtained thereon in favor of the United States; and it authorizes the proper officer of the Treasury to direct the cancellation and satisfaction of any and all judgments that may have been rendered against William H. Gowdy and the sureties aforesaid upon said bonds or any of them.

Section 2 directs the Secretary of the Treasury to pay to William H. Gowdy \$1,500, that being the amount advanced and disbursed by him while acting as postmaster and being absolutely necessary in performing his duties as postmaster.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ALASKAN MINING CLAIMS.

The bill (H. R. 8984) to amend the laws governing labor or improvements upon mining claims in Alaska was considered as in Committee of the Whole.

The bill had been reported from the Committee on Territories with amendments. The first amendment was, in section 1, page 1, line 4, before the word "dollars," to strike out "seventy-five" and insert "one hundred;" in line 7, after the word "located," to strike out "and in addition thereto the locator or owner of each such claim shall perform \$25 worth of work upon highways, roads, or trails within the recording division or district in which such claim shall be situated, or, in lieu of such work upon highways, roads, or trails, the sum of \$25 may be paid to the recorder for such division or district, who shall give a receipt therefor and enter such payment upon a record of affidavits of annual work done on mining claims; and in case work of the value aforesaid shall be performed upon such highways, roads, or trails as aforesaid the affidavit of the locator or owner of such claim, or of some other person having knowledge of the facts, showing the performance thereof and specifying the highway, road, or trail and the character and extent of such work done thereon, shall be made and filed with said recorder and be recorded by him in his said record, and such affidavit when so made and filed shall be prima facie evidence of the performance of such work;" on page 2, line 13, after the word "And," to strike out "in like manner;" in line 14, after the word "claim," to insert "or some other person having knowledge of the facts;" in line 15, after the word "recorder," to insert "of the district in which the claims shall be situated;" in line 18, before the word "dollars," to strike out "seventy-five" and insert "one hundred;" in line 19, after the word "work," to strike out "and such;" after line 19 to insert "Such affidavit shall set forth the following: First, the name or number of the mining claims and where situated; second, the number of days' work done and the character and value of the improvements placed thereon; third, the date of the performance of such labor and of making improvements; fourth, at whose instance the work was done or the improvements made; fifth, the actual amount paid for work and improvement, and by whom paid when the same was not done by the owner. Such;" on page 3, line 14, after the word "of," to strike out "section" and insert "sections;" and in line 15, after the word "ninety-two," to insert "and 5393;" so as to make the section read:

That during each year and until patent has been issued therefor, at least \$100 worth of labor shall be performed or improvements made on, or for the benefit or development of, in accordance with existing law, each mining claim in the district of Alaska heretofore or hereafter located. And the locator or owner of such claim or some other person having knowledge of the facts shall also make and file with the said recorder of the district in which the claims shall be situated an affidavit showing the performance of labor or making of improvements

to the amount of \$100, as aforesaid, and specifying the character and extent of such work. Such affidavit shall set forth the following: First, the name or number of the mining claims and where situated; second, the number of days' work done and the character and value of the improvements placed thereon; third, the date of the performance of such labor and of making improvements; fourth, at whose instance the work was done or the improvements made; fifth, the actual amount paid for work and improvement, and by whom paid when the same was not done by the owner. Such affidavit shall be prima facie evidence of the performance of such work or making of such improvements, but if such affidavits be not filed within the time fixed by this act the burden of proof shall be upon the claimant to establish the performance of such annual work and improvements. And upon failure of the locator or owner of any such claim to comply with the provisions of this act, as to performance of work and improvements, such claim shall become forfeited and open to location by others as if no location of the same had ever been made. The affidavits required hereby may be made before any officer authorized to administer oaths, and the provisions of sections 5392 and 5393 of the Revised Statutes are hereby extended to such affidavits. Said affidavits shall be filed not later than thirty days after the close of the year in which such work is performed.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 20, after the word "shall," to strike out "each give bond in such amount as the Secretary of the Treasury may require and in such form as the Attorney-General may approve, and shall account to the Secretary of the Treasury for all moneys received by them under the provisions of this act; and all such moneys shall, under the direction and control of the road commissioners of Alaska, be expended within the mining district where collected in the opening and improvement of highways, roads, and trails in Alaska," and to insert "collect the sum of \$2.50 as a fee for the filing, recording, and indexing said annual proofs of work and improvements for each claim so recorded;" so as to make the section read:

SEC. 2. That the recorders for the several divisions or districts of Alaska shall collect the sum of \$2.50 as a fee for the filing, recording, and indexing said annual proofs of work and improvements for each claim so recorded.

Mr. CARTER. In section 2, page 4, line 3, after the words "sum of," I move to amend the amendment of the committee by striking out "two dollars" and inserting "one dollar."

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 4, line 3, in the committee amendment, after the words "sum of," it is proposed to strike out "two dollars" and insert "one dollar;" so as to read:

Collect the sum of \$1.50 as a fee for the filing, recording, and indexing said annual proofs of work and improvements for each claim so recorded.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HEYBURN. On page 3, line 17, I move to amend by striking out the word "thirty," before the word "days," and inserting "ninety."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to amend, in section 1, on page 3, line 17, before the word "days," by striking out the word "thirty" and inserting "ninety."

Mr. BEVERIDGE. I accept the amendment.

Mr. PATTERSON. How will the text then read?

The SECRETARY. So that the amendment will read:

Sections 5392 and 5393 of the Revised Statutes are hereby extended to such affidavits. Said affidavits shall be filed not later than ninety days after the close of the year in which such work is performed.

The amendment was agreed to.

Mr. CARTER. In section 1, on line 15, page 2, I move to strike out the word "shall" and insert in lieu thereof the word "may."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 1, on page 2, line 15, before the word "also," it is proposed to strike out the word "shall" and to insert "may;" so as to read:

May also make and file with the said recorder.

Mr. BEVERIDGE. That is acceptable.

The amendment was agreed to.

Mr. CARTER. After the word "improvements," in line 4, on page 3, I move to strike out all down to and including the word "improvements," in line 7.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 1, on page 3, line 4, after the word "improvements," it is proposed to strike out the following words:

But if such affidavits be not filed within the time fixed by this act the burden of proof shall be upon the claimant to establish the performance of such annual work and improvements.

Mr. CARTER. That, Mr. President, proposes to establish a new rule of evidence, which, I take it, we do not desire to do.

The amendment was agreed to.

Mr. SPOONER. I think the bill ought to go over without prejudice.



Mr. BEVERIDGE. May I interrupt the Senator for just a moment?

Mr. SPOONER. Yes.

The VICE-PRESIDENT. Is objection made to the further consideration of the bill?

Mr. SPOONER. No.

Mr. BEVERIDGE. I think in the shape it is now the bill is acceptable to everybody, and the necessity of the bill is very great.

Mr. SPOONER. I do not want to kill the bill, but I thought it would be a good thing to have it printed as it has been amended, and then it can be taken up in the morning.

Mr. BEVERIDGE. I think that every Senator has submitted all the amendments he desires to offer, and the Senators who offered the amendments are mining lawyers.

Mr. CLAPP. I would suggest, these amendments having been put on the bill with so much rapidity, that it would be well to have the bill printed as it has been amended, so that it will be in such form that the Senate can understand it as it has been amended.

Mr. BEVERIDGE. Of course, if the Senator insists on that, the bill will have to go over.

Mr. CLAPP. No; I will not insist on it.

Mr. CARTER. Mr. President, the bill is undoubtedly a very meritorious one, but I think the construction of it again demonstrates the necessity of referring bills to the appropriate committees of the Senate. The Committee on Mines and Mining has been created by the rules of this Senate for the consideration of mining questions; and the bill as proposed makes it absolutely mandatory for these affidavits to be filed, when clearly it should be made permissive. I think hereafter all bills relating to Alaska should be referred to the committees of the Senate having jurisdiction over the subject-matter involved. There is no objection, however, I think, to the proposed bill becoming a law.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### OPENING OF MILLS AVENUE NE.

The bill (H. R. 9326) for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### GEORGE T. LARKIN.

The bill (H. R. 12188) for the relief of George T. Larkin was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to George T. Larkin, late deputy United States marshal, eastern district of Tennessee, for expenses incurred in his defense for killing in self-defense a citizen of that State while resisting arrest, and in full compensation of all claims on account thereof, \$692.55.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CAPT. GEORGE VAN ORDEN.

The bill (S. 3425) for the relief of Capt. George Van Orden United States Marine Corps, was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, on page 1, line 11, after the word "by," to strike out "Corpl. Charles B. Chase, United States Marine Corps;" so as to make the bill read:

*Be it enacted, etc.,* That the sum of \$291.37 be, and it is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and placed to the credit of Capt. (formerly First Lieut.) George Van Orden, United States Marine Corps, in the final settlement of his accounts as acting commissary of subsistence, United States Army, Island of Guam, by the Auditor for the War Department, in lieu of Government funds to the same amount which were stolen and embezzled by a clerk in the office of the commissary of subsistence, Island of Guam, in the year 1901, on account of the theft of which sum the accounts of the said Capt. (formerly First Lieut.) George Van Orden, United States Marine Corps, are now suspended in the office of the Auditor for the War Department.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### FRANKLIN PATTERSON.

The bill (H. R. 3462) for the relief of Franklin Patterson was considered as in Committee of the Whole. It directs the

Secretary of the Treasury to pay to Franklin Patterson, of Atlantic Highlands, N. J., \$1,148, in full satisfaction of all claim against the United States under a certain attachment issued on the 4th of September, 1891, out of the inferior court of common pleas of the county of Monmouth, N. J., etc.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN ALLEN.

The bill (H. R. 13122) to correct the military record of John Allen was considered as in Committee of the Whole. It authorizes the Secretary of War to revoke the dishonorable discharge which was issued in the case of Private John Allen, Company I, Thirty-second Infantry, United States Volunteers, and, if in his judgment the circumstances attending the separation of Allen from the military service warrant it, to issue an honorable discharge as of the date of his actual separation from the military service.

Mr. OVERMAN. On page 1, line 9, after the word "service," I move to insert:

*Provided,* That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### DENATURED ALCOHOL.

The bill (H. R. 24816) to amend an act entitled "An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906, was announced as next in order.

Mr. KEAN. Let that bill go over, Mr. President, not that I have any objection to it, but it may require discussion.

The VICE-PRESIDENT. The bill will be passed over.

#### HARRISON-WALKER COMPANY, OF PITTSBURG.

The bill (H. R. 8) for the relief of the Harbison-Walker Company, of Pittsburg, Pa., was considered as in Committee of the Whole. It directs the Secretary of the Treasury (notwithstanding any statutory bar of limitation, and notwithstanding the requirements of the statutes as to payment under protest) to reopen and reconsider all claims of W. N. Reardon, of New York City, N. Y., or the Harbison-Walker Company, of Pittsburg, Pa., for the refunding to them or either of them, as their interest may appear, \$1,820, alleged to have been improperly or illegally collected in the year 1901 by the collector of the port of New York, as assessed by the appraiser of the port of New York, and paid without protest by one or both of the above-named parties as duties upon five importations of magnesite, namely: Entry No. 35982, paid May 14, 1901, \$1,315.40; entry No. 54764, paid May 14, 1901, \$99; entry No. 45293, paid May 14, 1901, \$131.60; entry No. 67884, paid June 1, 1901, \$100; entry No. 83599, paid October 7, 1901, \$174; total, \$1,820; and it directs the Secretary of the Treasury to pay such amounts, not exceeding in the aggregate \$1,820, as shall be shown to have been improperly or illegally collected as duties as aforesaid.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LIMIT OF COST OF CERTAIN PUBLIC BUILDINGS.

The bill (H. R. 25758) amending an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MONONGAHELA RIVER BRIDGE, PENNSYLVANIA.

Mr. KNOX. I move that the Committee on Commerce be discharged from the further consideration of the bill (H. R. 25769) to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906.

The motion was agreed to.

Mr. KNOX. I now ask unanimous consent—

Mr. SPOONER. I inquire how near are we to the end of the Calendar?

Mr. GALLINGER. We have completed it.

Mr. KEAN. The Senator from Pennsylvania desires to have a bridge bill passed.

Mr. KNOX. I ask unanimous consent for the present consideration of the bill (H. R. 25769) to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EXPATRIATION OF CITIZENS AND THEIR PROTECTION ABROAD.

Mr. BACON. I am instructed by the Committee on Foreign Relations, to whom was referred the bill (H. R. 24122) in reference to the expatriation of citizens and their protection abroad, to report it favorably with certain amendments. As it is a very important matter, I ask the Senate to consent to its immediate consideration.

Mr. CULLOM. I hope the bill will be taken up and disposed of right now.

Mr. KEAN. It is a brief bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments.

The first amendment of the Committee on Foreign Relations was, in section 1, on page 1, line 3 after the word "authorized," to insert "in his discretion;" so as to read:

That the Secretary of State shall be authorized, in his discretion, to issue passports to persons not citizens of the United States as follows.

The amendment was agreed to.

The next amendment was, at the top of page 2, to strike out section 2, as follows:

Sec. 2. That the Secretary of State may issue, under such regulations as the President may prescribe, certificates of nativity to native-born American residents, setting forth the place and date of birth and place of permanent residence in the United States.

The amendment was agreed to.

The next amendment was, in section 3, on page 2, line 10, after the word "resided," to insert "for two years in the foreign state from which he came, or;" in line 11, after the word "years," to strike out "continuously;" in the same line, before the word "foreign," to strike out the article "a" and insert "any other;" in line 12, after the word "citizen," to strike out the colon and insert a semicolon and insert "and the place of his general abode shall be deemed his place of residence during said years;" so as to read:

When any naturalized citizen shall have resided for two years in the foreign state from which he came or for five years in any other foreign state it shall be presumed that he has ceased to be an American citizen, and the place of his general abode shall be deemed his place of residence during said years.

The amendment was agreed to.

Mr. CARTER. I desire to inquire of the Senator from Georgia if this bill proposes to authorize the issuance of a passport to a person who is not a citizen of the United States?

Mr. BACON. I will state that in a qualified sense that is true. It authorizes the issuance of passports to persons who have declared their intention and after a limited number of years and before they have received their final papers; but it expressly provides that the passport shall not be good as to the country of which that person is still a subject or of which he is still a citizen. In other words, it is simply a passport in other countries than the country from which he came and to which he owes allegiance.

Mr. CARTER. In addition to the declaration, a period of residence in this country is required?

Mr. BACON. Three years, I believe it is.

Mr. CARTER. I will inquire what the period is?

Mr. SPOONER. Three years.

Mr. BACON. Three years and a declaration of intention.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### UNITED STATES COURT FOR CHINA.

Mr. SPOONER. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 8409) to amend an act approved June 30, 1906, entitled "An act creating a United States court for China and prescribing the jurisdiction thereof," to report it favorably with amendments, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The first amendment was, on page 2, after line 22, to strike out section 14 and in lieu thereof to insert:

Sec. 14. That members of the bar of the Supreme Court of the United States, or of any other Federal court, and members of the highest court of any State or Territory shall be admitted to practice before said court upon presentation of a certificate of admission to the bar of any said courts and upon satisfactory proof of good moral and professional character.

The amendment was agreed to.

The next amendment was to strike out section 15.

The amendment was agreed to.

Mr. SPOONER. On page 2, section 12, line 15, I move to strike out the word "findings" and insert the word "conclusions;" so as to read "conclusions of law."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### COPIAH COUNTY, MISS.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. McLAURIN. Will the Senator from Illinois yield to me to report a bill, which is very short, and to ask unanimous consent for its present consideration?

Mr. CULLOM. We will have all day to-morrow for the passage of bills.

Mr. McLAURIN. This is a short bill.

Mr. CULLOM. We have cleared the Calendar.

Mr. McLAURIN. It will take but a moment.

Mr. CULLOM. Very well; I withdraw the motion.

Mr. McLAURIN. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 3518) for the relief of Copiah County, Miss., to report it favorably without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the board of supervisors of Copiah County, Miss., \$164.50, in full compensation for costs incurred in defending the suit of The United States against The Board of Supervisors of Copiah County and The Virginia Bridge and Iron Company in the circuit court of the United States for the southern district of Mississippi, at May term, 1899, held at Jackson, Miss.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, February 28, 1907, at 11 o'clock a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate February 27, 1907.*

##### UNITED STATES ATTORNEYS.

Milton C. Elstner, of Louisiana, to be United States attorney for the western district of Louisiana. A reappointment, his term having expired on February 17, 1907.

Benjamin M. Ausherman, of Wyoming, to be United States attorney for the district of Wyoming, vice Timothy F. Burke, whose term expired January 19, 1907.

##### EXECUTIVE COUNCIL OF PORTO RICO.

Francisco de Paula Acuña, of Porto Rico, to be a member of the executive council of Porto Rico for a term of four years, vice Andres Crosas, resigned.

##### APPRAISER OF MERCHANDISE.

Charles K. Lexow, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, in place of Louis M. Martin, who declined the office. Office created by act of Congress approved February 1, 1907.

##### UNITED STATES DISTRICT JUDGES.

David Patterson Dyer, of Missouri, to be United States district judge for the eastern district of Missouri, in the place of Gustavus A. Finkelnburg, who has resigned, to take effect April 1, 1907.



Thomas C. Munger, of Nebraska, to be additional United States district judge for the district of Nebraska, as provided by the act approved February 27, 1907.

## UNITED STATES MARSHALS.

Louis G. Davis, of Wyoming, to be United States marshal for the district of Wyoming, vice Frank A. Hadsell, whose term expired January 19, 1907.

J. Duncan Adams, of South Carolina, to be United States marshal for the district of South Carolina. A reappointment, his term having expired on January 19, 1907.

## POSTMASTERS.

## ARKANSAS.

Eva V. Moss to be postmaster at Earl, in the county of Crittenden and State of Arkansas, in place of Eva V. Harrington, to change name.

## CALIFORNIA.

George D. Cunningham to be postmaster at Riverside, in the county of Riverside and State of California, in place of George D. Cunningham. Incumbent's commission expired February 26, 1907.

William A. Price to be postmaster at Redwood City, in the county of San Mateo and State of California, in place of George W. Lovie, resigned.

Linn L. Shaw to be postmaster at Santa Ana, in the county of Orange and State of California, in place of Linn L. Shaw. Incumbent's commission expired December 10, 1906.

## COLORADO.

Augusta Reardon to be postmaster at Victor, in the county of Teller and State of Colorado, in place of Frank M. Reardon, deceased.

## CONNECTICUT.

Alfred W. Converse to be postmaster at Windsor Locks, in the county of Hartford and State of Connecticut, in place of Alfred W. Converse. Incumbent's commission expired January 26, 1907.

## ILLINOIS.

Frank L. Carroll to be postmaster at Manito, in the county of Mason and State of Illinois. Office became Presidential July 1, 1906.

George F. Jordan to be postmaster at Carlinville, in the county of Macoupin and State of Illinois, in place of George J. Castle. Incumbent's commission expired May 21, 1906.

J. C. Utterback to be postmaster at Salem, in the county of Marion and State of Illinois, in place of John P. Williams. Incumbent's commission expires March 3, 1907.

## INDIANA.

Enos Coffin to be postmaster at Carthage, in the county of Rush and State of Indiana, in place of William L. Walker. Incumbent's commission expired February 3, 1907.

## IOWA.

Lyman H. Henry to be postmaster at Charles City, in the county of Floyd and State of Iowa, in place of Lyman H. Henry. Incumbent's commission expired February 19, 1907.

Henry C. Hill to be postmaster at Milton, in the county of Van Buren and State of Iowa, in place of Henry C. Hill. Incumbent's commission expired January 29, 1907.

## KANSAS.

Israel I. Diesem to be postmaster at Garden City, in the county of Finney and State of Kansas, in place of Joseph C. Kitchen. Incumbent's commission expired February 24, 1907.

## MICHIGAN.

Peter Johnson to be postmaster at Thompsonville, in the county of Benzie and State of Michigan, in place of Isaac J. Quick. Incumbent's commission expired January 20, 1906.

## MINNESOTA.

Samuel D. Peterson to be postmaster at New Ulm, in the county of Brown and State of Minnesota, in place of Lewis B. Krook. Incumbent's commission expired April 5, 1906.

George W. Rowell to be postmaster at North Branch, in the county of Chisago and State of Minnesota, in place of George W. Rowell. Incumbent's commission expired January 23, 1907.

## MISSISSIPPI.

John C. Clifton to be postmaster at Senatobia, in the county of Tate and State of Mississippi, in place of John C. Clifton. Incumbent's commission expires March 2, 1907.

William G. Edwards to be postmaster at Enterprise, in the county of Clarke and State of Mississippi. Office became Presidential January 1, 1907.

Nevan C. Hathorn to be postmaster at Columbia, in the county

of Marion and State of Mississippi, in place of Nevan C. Hathorn. Incumbent's commission expired February 9, 1907.

Lewis M. Joyner to be postmaster at Agricultural College, in the county of Oktibbeha and State of Mississippi. Office became Presidential January 1, 1907.

James R. S. Pitts to be postmaster at Waynesboro, in the county of Wayne and State of Mississippi. Office became Presidential October 1, 1906.

## NEBRASKA.

Carelius K. Olson to be postmaster at Newman Grove, in the county of Madison and State of Nebraska, in place of Carelius K. Olson. Incumbent's commission expires March 10, 1907.

## NEW YORK.

Gilmore O. Bush to be postmaster at Tuxedo Park, in the county of Orange and State of New York, in place of Gilmore O. Bush. Incumbent's commission expired February 12, 1907.

John K. Grant to be postmaster at Stamford, in the county of Delaware and State of New York, in place of John K. Grant. Incumbent's commission expires March 3, 1907.

James H. Hitt to be postmaster at Margaretville, in the county of Delaware and State of New York, in place of James H. Hitt. Incumbent's commission expired December 20, 1906.

Frank Stowell to be postmaster at Mayville, in the county of Chautauqua and State of New York, in place of Edward C. Fisk. Incumbent's commission expired February 12, 1907.

Daniel F. Strobel to be postmaster at Herkimer, in the county of Herkimer and State of New York, in place of Charles S. Munger. Incumbent's commission expired February 4, 1907.

## NORTH CAROLINA.

S. M. Hambrick to be postmaster at Hickory, in the county of Catawba and State of North Carolina, in place of Columbus F. Blalock. Incumbent's commission expired January 13, 1907.

Charles A. Jonas to be postmaster at Lincolnton, in the county of Lincoln and State of North Carolina, in place of Franklin A. Barkley, removed.

J. Walter Jones to be postmaster at North Wilkesboro, in the county of Wilkes and State of North Carolina, in place of J. Walter Jones. Incumbent's commission expires March 3, 1907.

Isaac M. Meekins to be postmaster at Elizabeth City, in the county of Pasquotank and State of North Carolina, in place of Isaac M. Meekins. Incumbent's commission expired February 3, 1907.

Frank Roberts to be postmaster at Marshall, in the county of Madison and State of North Carolina. Office became Presidential January 1, 1907.

## NORTH DAKOTA.

Agatha G. Patterson to be postmaster at Bismarck, in the county of Burleigh and State of North Dakota, in place of Agatha G. Patterson. Incumbent's commission expired February 12, 1907.

## OHIO.

Charles R. Austin to be postmaster at Byesville, in the county of Guernsey and State of Ohio, in place of David S. Burt. Incumbent's commission expired April 18, 1906.

Seward L. Bowman to be postmaster at Lorain, in the county of Lorain and State of Ohio, in place of Seward L. Bowman. Incumbent's commission expired February 19, 1907.

Wilbert C. Davis to be postmaster at Wapakoneta, in the county of Auglaize and State of Ohio, in place of Wilbert C. Davis. Incumbent's commission expired June 30, 1906.

W. E. Halley to be postmaster at Greenville, in the county of Darke and State of Ohio, in place of Alonzo L. Jones. Incumbent's commission expired June 30, 1906.

Robert V. Jones to be postmaster at Sidney, in the county of Shelby and State of Ohio, in place of Robert V. Jones. Incumbent's commission expired June 30, 1906.

Charles A. McKim to be postmaster at Celina, in the county of Mercer and State of Ohio, in place of Charles A. McKim. Incumbent's commission expired May 16, 1906.

William T. Orton to be postmaster at West Unity, in the county of Williams and State of Ohio, in place of William T. Orton. Incumbent's commission expires March 3, 1907.

Akin M. Richards to be postmaster at Hicksville, in the county of Defiance and State of Ohio, in place of Akin M. Richards. Incumbent's commission expires March 3, 1907.

Henry S. Winsper to be postmaster at East Palestine, in the county of Columbiana and State of Ohio, in place of George B. Alaback. Incumbent's commission expires March 3, 1907.

## OKLAHOMA.

John H. Asbury to be postmaster at Lexington, in the county of Cleveland and Territory of Oklahoma, in place of John H. Asbury. Incumbent's commission expired February 3, 1907.

## OREGON.

Charles J. Howard to be postmaster at Cottage Grove, in the county of Lane and State of Oregon, in place of George W. McQueen, resigned.

## PENNSYLVANIA.

Edward B. Farr to be postmaster at Tunkhannock, in the county of Wyoming and State of Pennsylvania, in place of George S. Baldwin. Incumbent's commission expired February 5, 1907.

Thomas H. Harter to be postmaster at Bellefonte, in the county of Center and State of Pennsylvania, in place of Windle W. Montgomery. Incumbent's commission expires March 2, 1907.

Edwin F. Luckenbach to be postmaster at Mauch Chunk, in the county of Carbon and State of Pennsylvania, in place of Edwin F. Luckenbach. Incumbent's commission expires March 11, 1907.

## SOUTH CAROLINA.

Charles J. Shannon to be postmaster at Camden, in the county of Kershaw and State of South Carolina, in place of Charles J. Shannon. Incumbent's commission expired December 17, 1906.

## SOUTH DAKOTA.

James B. Barber to be postmaster at Rapid City, in the county of Pennington and State of South Dakota, in place of James B. Barber. Incumbent's commission expired January 26, 1907.

George H. Few to be postmaster at Flandreau, in the county of Moody and State of South Dakota, in place of George H. Few. Incumbent's commission expired February 19, 1907.

Harry Goddard to be postmaster at Edgemont, in the county of Fall River and State of South Dakota, in place of James A. Stewart. Incumbent's commission expired January 13, 1907.

George H. Henry to be postmaster at Platte, in the county of Charles Mix and State of South Dakota, in place of Charles W. Anderson. Incumbent's commission expired June 27, 1906.

Thomas A. Stevens to be postmaster at Chamberlain, in the county of Brule and State of South Dakota, in place of Thomas A. Stevens. Incumbent's commission expired February 13, 1906.

## TEXAS.

John W. Hedley to be postmaster at Chillicothe, in the county of Hardeman and State of Texas. Office became Presidential January 1, 1907.

## WASHINGTON.

Fremont A. Tarr to be postmaster at Montesano, in the county of Chelan and State of Washington, in place of Fremont A. Tarr. Incumbent's commission expired February 4, 1907.

## WEST VIRGINIA.

Edwin H. Flynn to be postmaster at Spencer, in the county of Roane and State of West Virginia, in place of Edwin H. Flynn. Incumbent's commission expires March 2, 1907.

## WISCONSIN.

Arthur P. Cheek to be postmaster at Baraboo, in the county of Sauk and State of Wisconsin, in place of Arthur P. Cheek. Incumbent's commission expired January 7, 1907.

Alfred B. Kildow to be postmaster at Brodhead, in the county of Green and State of Wisconsin, in place of Alfred B. Kildow. Incumbent's commission expired January 7, 1907.

Leonard H. Kimball to be postmaster at Neenah, in the county of Winnebago and State of Wisconsin, in place of Leonard H. Kimball. Incumbent's commission expired February 26, 1907.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 27, 1907.*

## REGISTER OF THE LAND OFFICE.

M. H. Brennan, of Devils Lake, N. Dak., to be register of the land office at Devils Lake, N. Dak.

## ASSISTANT TREASURER AT CINCINNATI.

Charles A. Bosworth, of Ohio, to be assistant treasurer of the United States at Cincinnati, Ohio.

## RECEIVER OF PUBLIC MONEYS.

Harold Hurd, of Roswell, N. Mex., to be receiver of public moneys at Roswell, N. Mex., vice David L. Geyer, whose term will expire March 10, 1907.

## POSTMASTERS.

## MINNESOTA.

Samuel D. Peterson to be postmaster at New Ulm, in the State of Minnesota.

Adolph J. Veigel to be postmaster at Mankato, in the county of Blue Earth and State of Minnesota.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 27, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

## DAM ACROSS MISSISSIPPI RIVER, MINNESOTA.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 8377) to amend an act entitled "An act permitting the building of a dam across the Mississippi River, in the county of Morrison, State of Minnesota," approved June 4, 1906, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That section 1 of an act entitled "An act permitting the building of a dam across the Mississippi River, in the county of Morrison, State of Minnesota," approved June 4, 1906, be, and the same is hereby, amended so as to read as follows:

"SECTION 1. That the consent of Congress is hereby granted to the Pike Rapids Power Company, a Minnesota corporation, its successors or assigns, to construct and maintain across the Mississippi River a dam, canal, and works necessary incident thereto for water power and supply purposes at a point between sections 20, 29, and 32, in township 128 north, range 29 west of the fifth principal meridian, and sections 17 and 20, in township 39, range 32 west of the fourth principal meridian, in Morrison County, Minn.: *Provided*, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of the same: *And provided further*, That the said the Pike Rapids Power Company, its successors or assigns, shall not deviate from such plans after such approval, either before or after the completion of said structures, unless the modifications of such plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *And provided further*, That there shall be placed and maintained in connection with said dam a sluiceway so arranged as to permit logs, timber, and lumber to pass around, through, and over said dam without unreasonable delay or hindrance and without toll or charges: *And provided further*, That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said dam so far as shall be necessary for the purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation, and that the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of said dam as he may deem advisable in the interests of navigation."

SEC. 2. That section 4 of said act above referred to be, and the same is hereby, amended so as to read as follows:

"SEC. 4. That the right to amend, alter, or repeal this act is hereby expressly reserved, and the same shall become null and void unless the construction of the dam hereby authorized is commenced within one year from June 1, 1907, and completed within three years thereafter."

Mr. STEVENS of Minnesota. Mr. Speaker, I have an amendment here which has been agreed to since the bill was read before, which I will send to the desk and ask to have read.

The Clerk read as follows:

Amend by adding after the word "thereafter," line 15, page 3, the words:

"And that except so far as may be otherwise provided by this act, the provision of the act of Congress entitled 'An act to regulate the construction of dams over navigable waters,' approved on the 21st day of June, 1906, shall be applicable to the construction of the dam provided by this act."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. STEVENS of Minnesota, a motion to reconsider the last vote was laid on the table.

## DAM ACROSS SAVANNAH RIVER AT M'DANIEL SHOALS.

Mr. AIKEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25773) permitting the building of a dam across the Savannah River at McDaniel Shoals, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That the Anderson Guaranty and Trust Company, a corporation organized under the laws of South Carolina, its successors and assigns, is hereby authorized to construct and maintain a dam across the Savannah River extending from a point in Hart County, Ga., to a point in Anderson County, S. C., upon or in the vicinity of McDaniel Shoals, and all works incident thereto in the utilization of the power thereby developed, in accordance with the provisions of an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

SEC. 2. That the right to amend or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.